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Title 3—THE PRESIDENT

Proclamation 3303

CAPTIVE NATIONS WEEK, 1959

By the President of the United States of America

A Proclamation

WHEREAS many nations throughout the world have been made captive by the imperialistic and aggressive policies of Soviet communism; and

WHEREAS the peoples of the Soviet-dominated nations have been deprived of their national independence and their individual liberties; and

WHEREAS the citizens of the United States are linked by bonds of family and principle to those who love freedom and justice on every continent; and

WHEREAS it is appropriate and proper to manifest to the peoples of the captive nations the support of the Government and the people of the United States of America for their just aspirations for freedom and national independence; and

WHEREAS by a joint resolution approved July 17, 1959, the Congress has authorized and requested the President of the United States of America to issue a proclamation designating the third week in July 1959 as "Captive Nations Week," and to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the week beginning July 19, 1959, as Captive Nations Week.

I invite the people of the United States of America to observe such week with appropriate ceremonies and activities, and I urge them to study the plight of the Soviet-dominated nations and to recommit themselves to the support of the just aspirations of the peoples of those captive nations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventeenth day of July in the year of our Lord nineteen hundred and [SEAL] fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,
Acting Secretary of State.

[F.R. Doc. 59-6037; Filed, July 20, 1959; 9:19 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Federal Aviation Agency

Effective upon publication in the FEDERAL REGISTER, paragraphs (d) and (e) are added to § 6.364 as set out below.

§ 6.364 Federal Aviation Agency.

* * * * *

(d) The Chief, Office of Public Affairs.

(e) One Confidential Assistant to the Chief, Office of Public Affairs.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-5978; Filed, July 20, 1959; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, paragraph (a)(1) of § 6.142 is amended as set out below.

§ 6.142 Housing and Home Finance Agency.

(a) *Office of the Administrator.* (1) Until July 31, 1961, Executive Secretary

(Continued on p. 5775)

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

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and Deputy Executive Secretary of the National Committee and the Executive Secretary and Deputy Executive Secretary of each regional subcommittee established under Title VI of the Housing Act of 1954.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-5979; Filed, July 20, 1959; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Justice

Effective upon publication in the FEDERAL REGISTER, paragraph (b) of § 6.208 is amended as set out below.

§ 6.208 **Department of Justice.**

* * * * *

(b) Deputy United States Marshals, Supervisory Deputy United States Marshals, and Chief Deputy United States Marshals.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-5980; Filed, July 20, 1959; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. 1]

PART 483—WHEAT AND FLOUR

Subpart—Revision I of the Wheat Export Program Payment in Kind (GR-345) Terms and Conditions

The terms and conditions of Revision I of the Wheat Export Program Payment In Kind (GR-345) (23 F.R. 5365), are amended as follows:

Section 483.105 is amended by deleting paragraph (a) and substituting the following paragraph (a) and by adding a new paragraph (h) immediately following § 483.105(g) as shown following the amended paragraph (a):

§ 483.105 **General conditions of eligibility.**

(a) Payment under this program will be made to an exporter in connection with the net quantity of wheat exported from the United States to a designated country and the net quantity of wheat shipped to Canada and exported from Canadian ports, excluding West Coast Canadian ports, to a designated country pursuant to a sale to a foreign buyer for which the exporter receives a Notice of Registration from a designated Contracting Officer of CCC, in accordance with § 483.136, subject to the terms and conditions set forth in this subpart. Payment also will be made to an exporter for wheat which was exported prior to sale and for which the exporter has received a Notice of Registration from a designated Contracting Officer of CCC, subject to the terms and conditions of this subpart particularly § 483.109.

* * * * *

(h) Exportation of wheat by or to a United States Government agency to or in a designated country shall not qualify as an exportation for the purposes of this program. (United States Government agency means any corporation wholly owned by the Federal Government and any department, bureau, administration or other unit of the Federal Government as, for example, the Department of the Army, Navy and Air Force, the International Cooperation Administration, the Army and Air Force Exchange Service, and the Panama Canal Company.) Sales of wheat to foreign buyers, including foreign governments, though financed with funds made available by a U.S. agency such as the International Cooperation Administration or the Export-Import Bank, are not sales to a U.S. Government agency, provided such wheat is not for transfer to a U.S. Government agency.

Section 483.140 is amended by deleting the words, "and the Declaration of sale" appearing therein so that the section shall read as follows:

§ 483.140 **Exporters agreement with CCC.**

The Notice of Sale by the exporter and the Notice of Registration shall constitute an agreement by the exporter to export the quantity of wheat within the prescribed period stated in the Notice of Sale in consideration of the undertaking of CCC to make an export payment, subject to the terms and conditions of this subpart.

§ 484.146 [Amendment]

Section 484.146(d) is amended by adding the Kansas City and Minneapolis Offices to the group of offices to which certificates may be presented so that the second sentence shall read as follows: "The certificate may be presented to the Dallas, Evanston, Kansas City, Minneapolis or Portland Office of Commodity Stabilization Service as provided in § 483.155 for wheat handled by the office to which submitted."

§ 483.147 [Amendment]

1. Section 483.147 is amended by deleting the words, "unless otherwise approved by the Director" from the opening sentence of § 483.147(a) and by deleting paragraph (a) (5) (ii) and substituting the following:

(ii) Properly signed or certified true copy or copies of the document or documents, or other appropriate forms, that prove the maintenance of the U.S. identity of the wheat during the handling or storage of the grain in Canada and its ultimate loading to the vessel identified in the ocean bill of lading.

2. Section 483.147(a) is further amended by adding the following subparagraphs (6), (7), (8), and (9):

(6) If the export shipment is made by vessel, plane, truck or other carrier, operated by a United States Government agency, then in lieu of the bill of lading or Shipper's Export Declaration provided for in subparagraphs (1) and (2) of this paragraph, the exporter may submit a certificate issued by an authorized official or employee of such agency showing the date of shipment(s), type of carrier used, identification of the commodity, the quantity, the export destination, a certification by the exporter that shipment is not by or to a U.S. Government agency, and such other information required in subparagraph (1) of this paragraph as may be applicable hereto.

(7) Where for good cause, the exporter establishes that he is unable to supply documentary evidence of export as specified in the above provisions of this section, CCC may accept such other evidence of export as will establish to the satisfaction of the Vice President, CCC, that the exporter has fully complied with his obligation to export.

* * * * *

(8) Where exportation of the wheat has been made by anyone or transshipment made or caused by the purchaser to one or more of the countries or areas identified in § 483.184(b) (1), (2) or (3), the bills of lading or other pertinent documentary evidence required to be furnished to CCC shall identify the license by number issued by the Bureau of

Foreign Commerce, U.S. Department of Commerce, for such movement. With respect to any such movement to Hong Kong or Macao not requiring a specified license, the required documentary evidence shall contain a statement by the purchaser that a specific license was not required.

(9) In case a single bill of lading or other documentary evidence of export covers more than the net quantity of wheat which is applied against the exporter's agreement with CCC, as provided in § 483.140 and such documentary evidence of export is to be used as evidence of export of such excess quantity in connection with a different contract with CCC under this program, or under any other export program of CCC pursuant to which CCC has paid or agreed to pay an export allowance or has sold wheat at prices which reflect any export allowance, each copy of such documentary evidence of export submitted pursuant to paragraph (a) of this section shall be accompanied by a statement certified by the exporter identifying all contracts with CCC to which the documentary evidence of export has been or will be applied and the quantity applicable to each contract.

Section 483.161(a) is amended to read as follows:

§ 483.161 Export requirements.

(a) The purchase shall, on or after the date of sale and within 60 days after delivery of the wheat to him or within such extension of that period as may for good cause be authorized by the Vice President in writing before or after expiration of such 60-day period, cause exportation to a designated country of wheat equal in quantity to, and of the same class as, the wheat delivered by CCC. In the case of delivery of wheat to the purchaser at a Great Lake port, if exportation takes place other than from the place of delivery by CCC, the purchaser must within such 60-day period or within such extension of that period as may for good cause be approved by CCC in writing ship from the place of delivery by CCC to any export point not on the Great Lakes wheat equal in quantity and of the same class as the wheat delivered by CCC. Wheat so shipped shall not be unloaded at any Lake Michigan or Lake Superior port. The requirement that wheat of the same class be exported may be satisfied by exporting a quantity of mixed wheat which contains, as evidenced by the Export Grain Inspection Certificate, wheat at least equal in quantity and of the same class as that delivered by CCC.

§ 483.162 [Amendment]

1. Section 483.162 is amended by deleting paragraph (a)(5)(ii) and substituting the following:

(ii) Properly signed or certified true copy or copies of the document or documents, or other appropriate forms, that prove the maintenance of the U.S. identity of the wheat during the handling or storage of the grain in Canada and its ultimate loading to the vessel identified in the ocean bill of lading.

2. Section 483.162 is further amended by deleting subparagraph (6) of paragraph (a) and inserting the following subparagraphs (6), (7), and (8) and by adding a new paragraph (c) to follow paragraph (b) as follows:

(6) If the export shipment is made by vessel, plane, truck or other carrier operated by a United States Government agency, then in lieu of the bill of lading or Shipper's Export Declaration provided for in subparagraphs (1) and (2) of this paragraph, the exporter may submit a certificate issued by an authorized official or employee of such agency showing the date of shipment(s), type of carrier used, identification of the commodity the quantity, the export destination a certification by the exporter that shipment is not by or to a U.S. Government agency, and such other information required in subparagraph (1) of this paragraph as may be applicable hereto.

(7) Where for good cause, the exporter establishes that he is unable to supply documentary evidence of export as specified in the above provisions of this section, CCC may accept such other evidence of export as will establish to the satisfaction of the Vice President, CCC, that the exporter has fully complied with his obligation to export.

(8) If the wheat is delivered by CCC at a Great Lakes port and if exportation takes place other than from the place of delivery by CCC, the purchaser must, in conformance with the requirement in § 483.161(a) submit a non-negotiable copy(s) of the applicable bill(s) of lading showing the shipment of the required quantity and class of wheat from the place of delivery by CCC to an export point not on the Great Lakes. This evidence of shipment must be accompanied by an affidavit of the purchaser that the wheat represented by such bill(s) of lading was not unloaded at a point other than the destination indicated on the evidence of shipment. The affidavit must also affirm that the bill(s) of lading submitted therewith has not or will not be used in any other instance as proof of such movement pursuant to a similar requirement except as permitted in paragraph (c) of this section. Such evidence shall be submitted in the time required by § 483.161(b) or within such extension of that time as may be approved by CCC in writing.

* * * * *

(c) In case a single bill of lading or other documentary evidence of export covers more than the net quantity of wheat required to be exported under the purchaser's contract with CCC, and such documentary evidence of export is to be used as evidence of export of such excess quantity in connection with a different purchase contract with CCC under this program or under any other program of CCC requiring the export of a quantity of wheat, each copy of such documentary evidence of export submitted pursuant to paragraph (a) of this section shall be accompanied by a statement certified by the purchaser identifying all such contracts with CCC to which the documentary evidence of export has been or will be applied and the quantity applicable to each contract.

§ 483.163 [Amendment]

The last sentence of § 483.163(a)(3) is amended to read as follows: "Any upward adjustment of sales price will not be made to the extent that the Vice President, CCC, or his designated representative, determines (i) that the wheat has not been exported or has been reentered into the Continental United States, Alaska, Hawaii or Puerto Rico due to causes without the fault or negligence of the purchaser, that such wheat was pursuant to written approval of CCC, subsequently actually exported to a designated country within the period specified by CCC, and that the purchaser submitted evidence of such exportation in accordance with § 438.162 hereof; or (ii) that the wheat placed in transit to an export location for export under this Announcement or reentered into the Continental United States, Alaska, Hawaii or Puerto Rico was lost, damaged, destroyed, or deteriorated and the physical condition thereof was such that its entry into domestic market channels will not impair CCC's price support operations; or (iii) that the wheat required to be moved from a Great Lakes port to an export point not on the Great Lakes was not moved as a result of its loss, damage, destruction, or deterioration after it was placed in transit for such shipment and the physical condition was such that its entry into domestic market channels will not impair CCC's price support operations.

§ 483.180 [Amendment]

Section 483.180 is amended to show the address of the Minneapolis CSS Commodity Office as follows:

Director, Commodity Stabilization Service Office, U.S. Department of Agriculture, 6400 France Avenue South, Minneapolis 10, Minnesota.

Section 483.188 is amended to read as follows:

§ 483.188 Export and exportation.

"Export" and "exportation" mean, except as hereinafter provided, a shipment from the continental United States destined to a designated country, or a shipment from Canada destined to a designated country of wheat which has been moved from the United States into Canada and stored and handled in such manner as to preserve the U.S. identity of the wheat. The wheat so shipped shall be deemed to have been exported on the date which appears on the applicable on-board export bill of landing, or if shipment to the designated country is by truck or rail, the date of shipment clears the United States Customs. If wheat is lost, destroyed or damaged after loading on board an export vessel, exportation shall be deemed to have been made as of the date of the on-board vessel bill of lading or the latest date appearing on the loading tally sheet or similar documents if the loss, destruction or damage occurs subsequent to loading aboard vessel but prior to issuance of the on-board bill of lading.

Section 483.191 is amended to read as follows:

§ 483.191 United States.

"United States" or "continental United States" unless otherwise qualified means the states on the North American continent excluding Alaska.

NOTE TO EXPORTER: Since the export payment on any given quantity of wheat is conditioned upon the exportation thereof to a designated country, exporters may find it desirable to carry insurance on the full domestic value of wheat against any loss which may occur prior to the wheat leaving this country by rail or truck or prior to loading on the export vessel.

(Sec. 5, 62 Stat. 1072; 15 U.S.C. 714c. Interpret or apply sec. 2, 63 Stat. 945, as amended; sec. 407, 63 Stat. 1051, as amended; sec. 201(a), 70 Stat. 188; 7 U.S.C. 1641, 1427, 1851)

Issued this 15th day of July 1959.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

NOTICE TO EXPORTERS

(Revision of October 21, 1958)

The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities under this program to the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea and the Communist-controlled areas of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of Foreign Commerce. A validated license is also required for shipment to Hong Kong or Macao unless the commodity is included on the general license GHK list.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, §§ 371.4 and 371.8) against sales or resale for reexport of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Hong Kong or Macao unless the commodity is on the general license GHK list (CES § 370.23) and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by that agency. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in BFC Regulation (Comprehensive Export Schedule § 379.10(c) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of Foreign Commerce or one of the field offices of the Department of Commerce.

[F.R. Doc. 59-5976; Filed, July 20, 1959; 8:49 a.m.]

[Amdt. IV]

PART 484—FEED GRAINS

Subpart—Feed Grain Export Program Payment in Kind (GR-368) Terms and Conditions

The terms and conditions of the Feed Grain Export Program Payment in Kind (GR-368) (23 F.R. 3226) (23 F.R. 3313) (23 F.R. 4998) (23 F.R. 6100) (23 F.R. 7905) are further amended as follows:

§ 484.105 [Amendment]

Section 484.105 is further amended by adding new paragraph (f) immediately following § 484.105(e) which will read as follows:

(f) Exportation by or to a United States Government agency shall not qualify as an exportation under the provisions of this announcement. (United States Government agency means any corporation wholly owned by the Federal Government and any department, bureau, administration or other unit of the Federal Government as, for example, the Departments of the Army, Navy and Air Force, the International Cooperation Administration, the Army and Air Force Exchange Service, and the Panama Canal Company.) Sales to foreign buyers, including foreign governments, though financed with funds made available by a United States agency such as the International Cooperation Administration or the Export-Import Bank, are not sales to a United States Government agency, provided the commodity is not for transfer by such buyer to a United States Government agency.

§ 484.126 [Amendment]

Section 484.126(a) is amended to read as follows:

(a) The purchaser shall, on or after the date of sale and within 60 days after delivery by CCC of the feed grain to him or within such extension of that period as may for good cause be approved by the Vice President in writing, before or after expiration of such 60-day period, export or cause exportation to an eligible country of the same kind of feed grain, of an equal quantity, as the feed grain sold and delivered by CCC. In the case of delivery of feed grain to the purchaser at Great Lakes ports, if exportation takes place other than from the place of delivery by CCC, the purchaser must within such 60-day period or within such extension of that period as may for good cause be approved by CCC in writing ship from the place of delivery by CCC to any export point not on the Great Lakes, feed grain of the same kind and quantity as the feed grain sold and delivered by CCC. Feed grains so shipped shall not be unloaded at any Lake Michigan or Lake Superior port. The feed grain exported shall not be reentered by anyone into the United States, including Hawaii, or Puerto Rico, nor shall the purchaser cause the feed grain exported to be transshipped to any country excluded by § 484.150.

§ 484.127 [Amendment]

Section 484.127(a) is amended by the addition of a new subparagraph (7) to read as follows:

(7) If the commodity is delivered by CCC at a Great Lakes port and if exportation takes place other than from the place of delivery by CCC, the purchaser must, in conformance with the requirement in § 484.126(a) submit a non-negotiable copy(s) of the applicable bill(s) of lading showing the shipment of a commodity of the required quantity and kind, from the place of delivery by CCC to an export point not on the Great Lakes. This evidence of shipment must be accompanied by an affidavit of the purchaser that the feed grain represented by such bill(s) of lading was not unloaded at a point other than the destination indicated on the evidence of shipment. The affidavit must also affirm that the bill(s) of lading submitted therewith has not or will not be used in any other instance as proof of such movement pursuant to a similar requirement except as permitted in § 484.116(d). Such evidence shall be submitted in the time required by § 484. 26(f) or within such extension of that time as may be approved by CCC in writing.

§ 484.128 [Amendment]

The last sentence of § 484.128(a)(3) is amended to read as follows: "Any upward adjustment of the sales price will not be made to the extent that the Vice President, CCC, or his designated representative, determines (i) that the feed grain has not been exported or has been reentered into the Continental United States, Alaska, Hawaii or Puerto Rico due to causes without the fault or negligence of the purchaser, that such feed grain was pursuant to written approval of CCC, subsequently actually exported to an eligible country within the period specified by CCC, and that the purchaser submitted evidence of such exportation in accordance with § 484.127; or (ii) that the feed grain placed in transit to an export location for export under this Announcement or reentered into the Continental United States, Alaska, Hawaii or Puerto Rico was lost, damaged, destroyed, or deteriorated and the physical condition thereof was such that its entry into domestic market channels will not impair CCC's price support operations; or (iii) that the feed grain required to be moved from a Great Lakes port to an export point not on the Great Lakes was not moved as a result of its loss, damage, destruction, or deterioration after it was placed in transit for such shipment and the physical condition was such that its entry into domestic market channels will not impair CCC's price support operations.

§ 484.140 [Amendment]

Section 484.140 is amended to show the address of the Minneapolis CSS Commodity Office as follows:

Director, Commodity Stabilization Service Office, U.S. Department of Agriculture,

6400 France Avenue South, Minneapolis 10, Minnesota.

Section 484.154 is amended to read as follows:

§ 484.154 United States.

"United States" or "continental United States" unless otherwise qualified means the states on the North American continent excluding Alaska.

(Sec. 5, 62 Stat. 1072; 15 U.S.C. 714c. Interpret or apply sec. 407, 63 Stat. 1051, as amended, sec 201(a), 70 Stat. 188; 7 U.S.C. 1427, 1851)

Issued this 15th day of July 1959.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

APPENDIX

NOTICE TO EXPORTERS

(Revision of October 21, 1958)

The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities under this program to the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea and the Communist-controlled areas of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of Foreign Commerce. A validated license is also required for shipment to Hong Kong or Macao unless the commodity is included on the general license GHK list.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, §§ 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Hong Kong or Macao unless the commodity is on the General License GHK list (CES § 371.23), and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by that agency. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment for the foreign purchaser.

For all exportations, one of the destination control statements specified in BFC Regulation (Comprehensive Export Schedule § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of Foreign Commerce or one of the field offices of the Department of Commerce.

[F.R. Doc. 59-5977; Filed, July 20, 1959; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Decrease in Prune Administrative Committee's Expenses and Increase in Rate of Assessment for 1958–59 Crop Year

Notice was published in the July 8, 1959, issue of the FEDERAL REGISTER (24 F.R. 5509), that consideration was being given to a proposed decrease in the expenses of the Prune Administrative Committee for the 1958–59 crop year and a related increase in the rate of assessment for that year, on the basis of the information and recommendations submitted by the committee and other available information pursuant to the provisions of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). In said notice, interested persons were afforded the opportunity to file written data, views or arguments with respect to the proposals. No such comment was filed within the prescribed time.

After consideration of all relevant matters presented (including the information and recommendation submitted by the committee, other available information, and the aforesaid notice) and on the basis and for the reasons set forth in such notice, it is hereby found and determined and, therefore, ordered, that § 993.309 Expenses of the Prune Administrative Committee (7 CFR 993.309) be revised in the following respects:

(1) Delete from paragraph (a) thereof the sum "$88,660" and insert in lieu thereof the sum "$68,138.64"; and

(2) Delete from paragraph (b) thereof the sum "65 cents" and insert in lieu thereof the sum "72 cents".

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) Pursuant to the amended marketing agreement and order, the increased rate of assessment applies to all prunes received by handlers as the first handlers thereof during the current crop year (August 1, 1958–July 31, 1959); (2) assessment income at the current rate of 65 cents per ton of prunes received will not result in the collection of sufficient funds to defray the necessary expenses of the committee in the reduced amount of $68,138.64, and the current crop year will terminate on July 31, 1959; (3) the committee must promptly obtain sufficient assessment revenue to defray the reduced expenses, so as to be enabled properly to perform its authorized functions in the administration of, and pursuant to, the marketing program during the current crop year; (4) changes in the assessment rate and expenses for the current crop year were recommended unanimously by the committee, which represents growers and handlers; (5) compliance with this action will require no advance preparation on the part of handlers; and (6) it is imperative that this action be made effective as soon as possible and not later than the date on which this order is published in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 16, 1959, to become effective upon publication in the FEDERAL REGISTER.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59-5975; Filed, July 20, 1959; 8:48 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER I—CREDIT ACTIVITIES

PART 91—GENERAL CREDIT TO INDIANS

Loans to Withdrawing Members of Klamath Tribe

Section 91.20 approved by the Secretary of the Interior December 12, 1958, is amended to permit money to be loaned to withdrawing Klamath Indians regardless of their degree of Indian blood. The act of June 11, 1959 (73 Stat. 70), authorizes the Secretary of the Interior to make such loans. The amendment shall become effective upon publication in the FEDERAL REGISTER.

It is the policy of the Department of the Interior to publish amendments to the Code of Federal Regulations as notice of proposed rule making before adoption even though, as in this instance, notice is not required by the Administrative Procedure Act (5 U.S.C. 1003). However, any delay in the publication of an effective regulation in this instance will only result in additional hardship to the persons intended to be benefited. The omission of a notice of proposed rule making will not adversely affect the Indians. Accordingly § 91.20 is amended to read as follows:

§ 91.20 Loans to Klamath Indians.

Loans may be made to withdrawing members of the Klamath Tribe to alleviate financial vicissitudes raised by the Termination Act of August 13, 1954 (25 U.S.C. 564), as amended. A loan made under this section shall constitute an indebtedness to be repaid without interest from funds representing the borrower's share of the tribal assets.

(Sec. 10, 48 Stat. 986; 25 U.S.C. 470)

ELMER F. BENNETT,
Acting Secretary of the Interior.

JULY 14, 1959.

[F.R. Doc. 59-5946; Filed, July 20, 1959; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Regulatory Doc. 59; Amdt. 126]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. The Administrator finds that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Birmingham VOR	BHM-LFR	Direct	2000	T-dn	300-1	300-1	*300-1
Eden FM	BHM-LFR	Direct	2600	C-dn	800-1	900-1	900-1½
				A-dn	1000-2	1000-2	1000-2

Radar Terminal Area Transition Altitudes: 0-360° within 15 miles, 2500'; 0-360° within 15-25 miles, 3500'.
Radar control must provide 3 miles separation from tower 1582' MSL located 4 miles SW of airport or maintain 2600'.
Procedure turn W side N crs, 358 Outbnd, 178 Inbnd, 2500' within 10 mi.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 178—2.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 mi, climb to 2600' on S crs BHM-LFR within 20 mi.
AIR CARRIER NOTE: No reduction in minimums authorized.
*200-½ authorized Rny5/23 only.

City, Birmingham; State, Ala.; Airport Name, Municipal; Elev., 643'; Fac. Class, SBRAZ; Ident., BHM; Procedure No. 1, Amdt. 9; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 8; Dated, 2 Aug. 58

ETP "H"	OZR LFR	Direct	1600	T-dn	300-1	300-1	200-½
DHN TVOR	OZR LFR	Direct	1700	C-dn	400-1	500-1	500-1½
				S-dn	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 240° Outbnd, 060° Inbnd, 1600' within 10 mi. Nonstandard due airway South.
Minimum altitude over facility on final approach crs, 900'.
Crs and distance, facility to airport, 060°—3.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left and climb to 1600' proceeding to ETP "H" via NW crs OZR LFR.
NOTE: Prior arrangement for landing required for civil aircraft not on official business.
Major Change: Deletes reference to DHN LFR, as it is to be decommissioned.

City, Ft. Rucker; State, Ala.; Airport Name, Cairns AAF; Elev., 305'; Fac. Class, MRLZ; Ident., OZR; Procedure No. 1, Amdt. 1; Eff. Date, 8 Aug. 59; Sup. Amdt. No. Orig.; Dated, 30 May 59

California FM	OMA-LFR (Final)	Direct	1900	T-dn#	*300-1	*300-1	##200-½
				C-d	600-1	700-1	700-1½
				C-n	600-1½	700-1½	700-1½
				S-d-14L	400-1	400-1	400-1
				S-n-14L	400-1½	400-1½	400-1½
				A-dn	800-2	800-2	800-2

Radar transitions authorized all sectors 2500' except 2700' within 3 mi of 1739' tower 4 mi West, 2700' within 3 mi of 1746' tower 3 mi SW, and 2600' within 3 mi of 1620' tower 11.5 mi SW of airport.
Procedure turn W side of N crs, 334° Outbnd, 154° Inbnd, 2500' within 10 mi.
Minimum altitude over facility on final approach crs, 1900'.
Crs and distance, facility to airport, 139—4.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles, climb to 2700' on SE crs within 20 mi.
CAUTION: Bluff 1339' m.s.l. 1.3 mi East of airport. TV towers 1739' m.s.l. 4 mi WNW and 1746' 3 mi SW of airport. Stack 1192' m.s.l. 1.1 mi South of LFR.
#After takeoff, climb to 2000' m.s.l. prior to proceeding in a westerly direction.
AIR CARRIER NOTES: *No reduction in 2-eng. or less aircraft takeoff minimums authorized except on Rnwys 14L, 32R, 17L and 35 R. ##300-1 takeoff minimums required for more than 2-eng. aircraft except on Rnwys 14L, 32R, 17L and 35R.

City, Omaha; State, Nebr.; Airport Name, Omaha Municipal; Elev., 982'; Fac. Class, SBRAZ; Ident., OMA; Procedure No. 1, Amdt. 13; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 12; Dated, 7 Dec. 58

Wadsworth FM	RNO-LFR	Direct	9000	T-dn	1000-2	1000-2	1000-2
Reno VOR	RNO-LFR	Direct	9000	C-d	2000-2	2000-2	2000-2
Int W crs RNO-LFR and 353° brng to Stead AFB "H" (Faro Int).	RNO-LFR	Direct	9000	C-n	2000-3	2000-3	2000-3
				A-dn	2500-3	2500-3	2500-3

Procedure turn E side N crs, 342 Outbnd, 162 Inbnd, 8000' within 9 mi. NA beyond 9 mi. (Nonstd. due to terrain).
Minimum altitude over facility on final approach crs, 6800'.
Crs and distance, facility to airport, 162—2.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, make immediate right turn and climb to 9000' on N crs within 15 miles.
Shuttle: N crs to 10,000' within 20 miles.
AIR CARRIER NOTE: No reductions in visibility minimums authorized.

City, Reno; State, Nev.; Airport Name, Municipal; Elev., 4404'; Fac. Class, SBRAZ; Ident., RNO; Procedure No. 1, Amdt. 6; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 5; Dated, 20 Mar. 57

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Wadsworth FM	RNO-LFR	Direct	9000	T-dn	1000-2	1000-2	1000-2
Reno VOR	RNO-LFR	Direct	9000	C-d	1500-2	1500-2	1500-2
Faro Int (W crs RNO-LFR and 353° brng to Stead AFB "H".	RNO-LFR	Direct	9000	C-n	1500-3	1500-3	1500-3
Bingo Int	RNO-LFR (Final)	Direct	— 6800	A-d	2000-3	2000-3	2000-3

Procedure turn E side N crs, 342 Outbnd, 162 Inbnd, 8000' within 9 mi. NA beyond 9 mi. (Nonstd. due to terrain.)
Crs and distance, facility to airport, 162—2.3.
Minimum altitude over facility on final approach crs, *6800'.
*After passing Black Jack Int on final descent to cross RNO LFR at 6000' authorized.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, make immediate right turn and climb to 9000' on N crs within 15 miles.
Shuttle: N crs to 10,000' within 20 miles or in the Bingo Holding Pattern to 9500'.
Authorized only for aircraft equipped with LFR and either ADF or VOR
AIR CARRIER NOTE: No reduction in visibility minimums authorized.

City, Reno; State, Nev.; Airport Name, Municipal; Elev., 4411'; Fac. Class, SBRAZ; Ident., RNO; Procedure No. 2, Amdt. 4; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 3; Dated, 18 Apr. 57

U Cross FM	SHR-LFR	Direct	5500	T-d	400-1	400-1	400-1
Sheridan FM	SHR-LFR (final)	Direct	*5000	T-n	400-2	400-2	400-2
Sheridan VOR	SHR-LFR	Direct	6000	C-d	800-1	800-1	800-1½
				C-n	800-2	800-2	800-2
				A-dn	800-2	800-2	800-2

Procedure turn E side SE crs, 118° Outbnd, 298° Inbnd, 6000' within 10 miles.
Minimum altitude over facility on final approach crs, *5000'.
Crs and distance, facility to airport, 297—1.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.4 miles, climb to 8000' on NW crs within 20 miles or, when directed by ATC, turn right, climb to 6500' on the NE crs of the Sheridan LFR within 20 miles.
CAUTION: High terrain to SE and SW.
*Both visual and aural signals must be received over Sheridan FM, otherwise minimum altitude over LFR will be 5500'.

City, Sheridan; State, Wyo.; Airport Name, Sheridan County; Elev., 4021'; Fac. Class, SBRAZ; Ident., SHR; Procedure No. 1, Amdt, 7; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 6; Dated, 28 Jan. 54

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
DHN TVOR	OKB RBn	Direct	1700	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side crs, 230° Outbnd, 070° Inbnd, 1600' within 10 mi. (Nonstandard due airway South.)
Minimum altitude over facility on final approach crs, 900'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing OKB RBn, turn left and climb to 1600' on crs of 230° within 20 mi.
NOTE: Prior arrangement for landing required for civil aircraft not on official business.
Major Change: Deletes transition from DHN LFR, as it is to be decommissioned.

City, Ft. Rucker; State, Ala.; Airport Name, Cairns AAF; Elev., 305'; Fac. Class, MH; Ident., OKB; Procedure No. 1, Amdt. 2; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 1; Dated, 9 Aug. 58

OMA-LFR	LOM	Direct	2500	T-dn#	*300-1	*300-1	##200-½
OMA-VOR	LOM	Direct	2700	C-d	600-1	700-1	700-1½
California FM	LOM	Direct	2500	C-n	600-1½	700-1½	700-1½
				S-d-14L	400-1	400-1	400-1
				S-n-14L	400-1½	400-1½	400-1½
				A-dn	800-2	800-2	800-2

#After takeoff climb to 2000' m.s.l. before proceeding in a westerly direction.
AIR CARRIER NOTES: *No reduction in 2-eng. or less aircraft takeoff minimums authorized except on Rnwys 14L, 32R, 17L and 35R. ##300-1 takeoff minimums required for more than 2-eng. aircraft except on Rnwys 14L, 32R, 17L and 35R.
Radar transitions authorized all sectors 2500' except 2700' within 3 mi of 1739' tower 4 mi West, 2700' within 3 mi of 1746' tower 3 mi SW and 2600' within 3 mi of 1620' tower 11.5 mi SW of airport.
Procedure turn West side NW crs, 315 Outbnd, 135 Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 1900'.
Crs and distance, facility to airport, 135°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi after passing LOM, climb to 2700' on crs 135° from LOM within 20 mi or, when directed by ATC, climb to 2700' on SE crs of OMA-LFR within 20 mi.
CAUTION: Bluff 1339' m.s.l. 1.3 mi East. Towers 1739' m.s.l. 4 mi WNW and 1746' m.s.l. 3 mi SW of airport. Stack 1192' m.s.l. 018 mi SSE of LOM.

City, Omaha; State, Nebr.; Airport Name, Omaha Municipal; Elev., 982'; Fac. Class, LOM; Ident., OM; Procedure No. 1, Amdt. 8; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 7; Dated, 7 Dec. 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MSY LFR	MSY VOR	Direct	1400	T-dn	300-1	300-1	300-1
Laplace RBn	MSY VOR	Direct	1400	C-dn	500-1	500-1	500-1½
				A-dn	NA	NA	NA

Radar site located at Moisant Int'l Airport. Radar transition altitude 1500' within 25 miles. Radar control must provide 1000' clearance when within 3 miles or 500' clearance when between 3-5 miles of radio towers 750' and 563' 12 mi SE of Radar site, and 978' 16 mi ESE of Radar site. Radar may be used to position aircraft for a final approach within 5 miles of Bayou St. John FM with the elimination of a procedure turn.

Procedure turn South side of crs, 262° Outbnd, 082° Inbnd, 1400' within 10 mi.

Minimum altitude over VOR on final approach crs, 900'.

Crs and distance, facility to airport, 082°—7.6 mi.

Minimum altitude over Bayou St. John FM on final approach crs, 500'.

Crs and distance, Bayou St. John FM to airport, 082°—3.1 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.6 mi of VOR or 3.1 mi after passing Bayou St. John FM, turn left, climb to 2000' on MSY VOR R-079 within 20 miles or, when directed by ATC, turn left, intercept MSY VOR R-064, climbing to 1500' within 20 mi.

CAUTION: 978' MSL tower 6 mi SSE of airport.

NOTES: Air Carrier use NA. Full weather information not available—visibility information only.

City, New Orleans; State, La.; Airport Name, New Orleans; Elev., 8'; Fac. Class, BVOR; Ident., MSY; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Aug. 59

Pendleton LFR	PDT-VOR	Direct	4000	T-dn	300-1	300-1	200-½
Pendleton LOM	PDT-VOR	Direct	4000	C-dn	500-1	500-1	500-1½
Int S crs Walla Walla LFR and R-061 Pendleton VOR.	PDT-VOR	Direct	4000	S-dn-7	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
Cabbage Hill FM	PDT-VOR	Direct	4800				

Procedure turn N side W crs, 253° Outbnd, 073° Inbnd, 3500' within 10 miles. (Nonstandard due to terrain.)

Minimum altitude over facility on final approach crs, 2600'.

Crs and distance, facility to airport, 073°—3.9 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles, make left turn climbing to 4000' on R-234 within 20 miles.

City, Pendleton; State, Oreg.; Airport Name, Pendleton; Elev., 1493'; Fac. Class, BVOR; Ident., PDT; Procedure No. 1, Amdt. 4; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 3; Dated, 6 June 59

Wadsworth FM	RNO-VOR	Direct	9000	T-dn	2000-2	2000-2	2000-2
Reno LFR	RNO-VOR	Direct	9000	C-d	2500-2	2500-2	2500-2
Verdi Int	RNO-VOR	Direct	9000	C-n	2500-3	2500-3	2500-3
Bingo Int	RNO-VOR	Direct	9000	A-dn	2500-3	2500-3	2500-3

Procedure turn S side of crs, 050 Outbnd, 230 Inbnd, 9000' within 10 miles. NA beyond 10 miles. (Nonstandard due to terrain.)

Minimum altitude over facility on final approach crs, 7900'.

Crs and distance, facility to airport, 230—5.1.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles, turn right climb to 9000' on R-050 within 10 miles.

CAUTION: If contact not established at minimums, missed approach must be started immediately due to high terrain W.

AIR CARRIER NOTE: No reductions in visibility minimums authorized.

City, Reno; State, Nev.; Airport Name, Municipal; Elev., 4411'; Fac. Class, BVOR; Ident., RNO; Procedure No. 1, Amdt. 7; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 6; Dated, 18 Apr. 59

N Philadelphia LFR	ARD-VOR	Direct	2000	T-dn	300-1	300-1	200-½
Navy Willow Grove LFR	ARD-VOR	Direct	2000	C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn North side of crs, 261° Outbnd, 081° Inbnd, 2000' within 10 mi. (NA beyond 10 mi due to reception.)

Minimum altitude over facility on final approach crs, 1200'.

Crs and distance, facility to airport, 081°—4.6 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles, make a left climbing rurn to 2000' and return to Yardley VOR.

City, Trenton; State, N.J.; Airport Name, Mercer County; Elev., 213'; Fac. Class, VOR; Ident., ARD; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Aug. 59

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn south side of crs, 246° Outbnd, 066° Inbnd, 1600' within 10 miles.

Minimum altitude over facility on final approach crs, 800'.

Crs and distance, facility to airport, 066°—0.5 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.5 mile, make an immediate left climbing turn to 1600' to hold on the New Castle VOR R-246 within 10 mi.

City, Wilmington; State, Del.; Airport Name, New Castle County; Elev., 79'; Fac. Class, VOR; Ident. ,EWT; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Aug. 59

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Laurel Int	BAL VOR	Direct	1600	T-dn	300-1	300-1	200-½
Relay Int	BAL VOR	Direct	1500	C-dn	500-1	500-1	500-1½
Beltsville FM	BAL VOR	Direct	1600	S-dn-10*	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn South side of crs, 287° Outbnd, 107° Inbnd, 1800′ within 10 mi.
Minimum altitude over facility on final approach crs, 646′. Maintain 1000′ until passing LOM.
Crs and distance, breakoff point to approach end of runway, 099°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing BAL VOR, climb to 1500′ on R-107 of BAL VOR within 10 mi.
*If BAL LOM not received, minimums of 800-1 will apply.

City, Baltimore; State, Md.; Airport Name, Friendship Int'l; Elev., 146′; Fac. Class, VOR; Ident., BAL; Procedure No. TerVOR-10, Amdt. Orig.; Eff. Date, 8 Aug. 59

Laurel Int	BAL VOR	Direct	1600	T-dn	300-1	300-1	200-1½
Relay Int	BAL VOR	Direct	1500	C-dn	500-1	500-1	500-1½
Beltsville FM	BAL VOR	Direct	1600	S-dn-28#	500-1	500-1	500-1
BAL LFR	BAL VOR	Direct	1500	A-dn	800-2	800-2	800-2

Procedure turn North side of crs, 096° Outbnd, 276° Inbnd, 1500′ within 5 mi of Orchard Beach Int.*
Minimum altitude over facility on final approach crs, 646′. Maintain 1300′ until passing Orchard Beach Int.*
Crs and distance, breakoff point to approach end of runway, 284°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing BAL VOR, climb to 1500′ on R-276 of BAL VOR within 10 miles.
#Descend to landing minimums after passing Orchard Beach Int.
*Int East crs ILS and South crs BAL LFR.

City, Baltimore; State, Md.; Airport Name, Friendship Int'l.; Elev., 146′; Fac. Class, VOR; Ident., BAL; Procedure No. TerVOR-28, Amdt. Orig.; Eff. Date, 8 Aug. 59

CHS LFR	CHS VOR	Direct	1200	T-dn	300-1	300-1	200-½
				C-dn	*400-1	500-1	500-1½
				S-dn-15	*400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn West side of crs, 335° Outbnd, 155° Inbnd, 1200′ within 10 mi.
Minimum altitude over facility on final approach crs, 600′*.
Facility on airport.
Distance from final approach fix (Int CHS R-335 and Brg. 065° from LOM), 4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished prior to passing CHS-VOR, climb to 2000′ on R-155 within 15 miles or, when directed by ATC, turn left, climb to 1200′ on R-335 of VOR.
CAUTION: Radio towers 423′ m.s.l. 6 mi SE; 1049′ m.s.l. 10 mi SE.
Major Change: Relocation of VOR within airport boundary.
*Descent below 600′ MSL NA unless final approach fix (Int CHS R-335 and Brg. 065° from LOM) is received.

City, Charleston; State, S.C.; Airport Name, Charleston AFB/Mun.; Elev., 45′; Fac. Class, VOR; Ident, CHS; Procedure No. TerVOR-15, Amdt. 1; Eff. Date, 8 Aug. 59; Sup. Amdt. No. Orig.; Dated, 16 Sept. 58.

Morton Int	ORD-VOR	Direct	2000	T-dn	300-1	300-1	200-½
Elgin Int	ORD-VOR	Direct	2500	C-dn	500-1	500-1	500-1½
Midway LOM	ORD-VOR	Direct	2000	S-dn-14L	400-1	400-1	400-1
Glenview LFR	ORD-VOR	Direct	2000	A-dn	800-2	800-2	800-2
Spring Lake Int	ORD-VOR	Direct	2500				
Northbrook VOR	ORD-VOR	Direct	2000				

Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach crs at least 3 mi from inbound fix. Refer to O'Hare radar procedure if detailed information on sector altitudes is desired.
Procedure turn West side of crs, 329° Outbnd, 149° Inbnd, 2500′ within 10 mi.
Minimum altitude over *Arlington Int or 6.0 mi Radar fix, 2500′.
Crs and distance, *Arlington Int or 6.0 mi Radar fix to airport, 149°—6.0 mi.
Crs and distance, breakoff point to appr end of Runway 14L, 138°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make immediate left turn, climb to 2500′ or higher altitude specified by ATC, and proceed to Northbrook VOR via R-030 ORD and R-135 OBK or, when directed by ATC, (1) make immediate left turn, climb to 3500′, proceed to Morton Int via R-075 ORD; (2) Make immediate left turn, climb to 2500′, proceed to NBU LFR via 030° crs and SE crs NBU LFR.
*Int R-329 ORD and R-193 OBK.

City, Chicago; State, Ill.; Airport Name, O'Hare Intl; Elev., 666′; Fac. Class, VORTAC; Ident., ORD; Procedure No. TerVOR-14L, Amdt. Orig.; Eff. Date, 8 Aug. 59

Spring Lake Int	ORD-VOR	Direct	2500	T-dn	300-1	300-1	200-½
Morton Int	ORD-VOR	Direct	2000	C-dn	600-1	600-1	600-1½
Elgin Int	ORD-VOR	Direct	2500	S-dn-22	600-1	600-1	600-1
Midway LOM	ORD-VOR	Direct	2000	A-dn	800-2	800-2	800-2
Glenview LFR	ORD-VOR	Direct	2000				
Northbrook VOR	ORD-VOR	Direct	2000				

Radar transition to final approach crs authorized. Aircraft will be released for final approach without procedure turn on inbnd final approach crs at least 3.0 mi from inbnd fix. Refer to O'Hare radar procedure if detailed information on sector altitudes is desired.
Procedure turn N side of crs 035° Outbnd, 215° Inbnd, 2000′ within 5 mi of *Int.
Minimum altitude over *Int on final approach crs, 1500′.
Crs and distance, *Int or Radar fix to airport, 215°—5.0 mi.
Crs and distance, breakoff point to approach end of Runwy 22, 217°—1.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mi, make immediate left turn, climb to 2500′ or higher altitude if specified by ATC and proceed to Northbrook VOR via R-030 ORD and R-135 OBK or, when directed by ATC, (1) make immediate left turn, climb to 3500′, proceed to Morton Int via R-075 ORD; (2) make immediate left turn, climb to 2500′, proceed to Glenview LFR via 030° crs and SE crs Glenview LFR.
*Int R-035 ORD and R-146 OBK or Radar Fix.

City, Chicago; State, Ill.; Airport Name, O'Hare Int'l; Elev., 666′; Fac. Class, VORTAC; Ident., ORD; Procedure No. TerVOR-22, Amdt. Orig.; Eff. Date, 8 Aug. 59

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine more than 65 knots
					65 knots or less	More than 65 knots	
South Boston VOR	DAN VOR	Direct	1700	T-dn	300-1	300-1	200-½
Leaksville Int	DAN VOR	Direct	2100	C-dn	500-1	500-1	500-1½
Reid Int	DAN VOR	Direct	1800	S-dn-2	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn East side of crs, 211° Outbnd, 031° Inbnd, 1700′ within 10 mi.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, breakoff point to approach end of Runway 2, 020°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles, climb to 2200′ on the Danville VOR R-031 within 10 miles of the VOR.

City, Danville; State, Va.; Airport Name, Danville; Elev., 582′; Fac. Class, VOR; Ident., DAN; Procedure No. TerVOR-2, Amdt. 1; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 1, Orig.; Dated, 18 July 59

				T-dn	1500-2		
				C-dn	1500-2		
				A-dn	1500-3		

Procedure turn S side of crs, 105° Outbnd, 285° Inbnd, 9000′ within 10 mi of DRO-TVOR.
Facility on airport.
Minimum altitude over facility on final approach crs, 8200′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles, turn left, climb to Falfa Int* on DRO R-259, proceed to Farmington VOR on R-014 at 8800′.
CAUTION: No control area. Pilots using Durango TVOR shall, as soon as practicable, advise Durango TVOR (on 122.1 MCS) of their position, altitude, ETA, and intentions, and thereafter determine that adequate separation exists from other reported users of navigational facilities in the area. In instances where other aircraft have previously contacted Durango TVOR, hold between facility and a point two minutes out on final approach coarse at least 1000′ above procedure turn altitude and 1000′ above previously reported traffic until advised that aircraft making approach has landed. Keep Durango TVOR advised (on 122.1 MCS) at all times of changes in altitude and position in order that other aircraft may also receive this information.
NOTES: Use of procedure authorized only when communications available (Communications available—0500-2200 local time) Facility owned by City of Durango, Colo. Durango receives communications on 122.1 MCS; transmits on TVOR frequency 108.2 MCS.
*Int Durango TVOR R-259 and Farmington VOR R-014.

City, Durango; State, Colo.; Airport Name, Durango-La Plata County; Elev., 6684′; Fac. Class, TVOR (non-Federal facility); Ident., DRO; Procedure No. TerVOR (R-105), Amdt. 1; Eff. Date, 8 Aug. 59; Sup. Amdt. No. Orig.; Dated, 20 June 59

ETP "H"	OZR TVOR	Direct	1600	T-dn	300-1	300-1	200-½
DHN TVOR	OZR TVOR	Direct	1700	C-dn	400-1	500-1	500-1½
		Direct	1700	S-dn	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side crs, 243° Outbnd, 063° Inbnd, 1600′ within 10 mi; Teardrop Procedure turn, R-261 Outbnd, R-063 Inbnd, 1600′ within 10 mi.
Minimum altitude abeam OZR-LRF on final approach crs, 800′; over facility, 700′.*
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left and climb to 1600′ on R-280 OZR TVOR within 20 miles.
NOTE: Prior arrangement for landing required for civil aircraft not on official business.
Major Change: Deletes transition from DHN LFR, as it is to be decommissioned.
*If unable to check abeam OZR-LFR, descent below 800′ not authorized.

City, Ft. Rucker; State, Ala.; Airport Name, Cairns AAF; Elev., 305′; Fac. Class, TVOR; Ident., OZR; Procedure No. 1, Amdt. 2; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 1; Dated, 23 May 59

Norfolk LFR	ORF-VOR	Direct	1400	T-dn	300-1	300-1	200-½
Deep Creek FM	ORF-VOR	Direct	1400	C-dn*	500-1	500-1	500-1½
				S-dn*	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn South side of crs, 228° Outbnd, 048° Inbnd, 1400′ within 5 mi of LOM.
Minimum altitude over facility on final approach crs, 526′. Maintain at least 800′ until passing ORF LFR.
Crs and distance, breakoff point to approach end of runway, 044°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of ORF VOR, turn right and climb to 1400′ on R-228 of ORF VOR within 10 miles.
*If ORF LFR not received, minimums of 800-1 apply.

City, Norfolk; State, Va.; Airport Name, Norfolk Municipal; Elev., 26′; Fac. Class, VOR; Ident., ORF; Procedure No. TerVOR-4, Amdt. Orig.; Eff. Date, 8 Aug. 59

Flat Rock VOR	RIC VOR	Direct	2000	T-dn	300-1	300-1	200-½
Manakin RBn	RIC VOR	Direct	2000	C-dn*	500-1	500-1	500-1½
Hopewell VOR	RIC VOR	Direct	1500	S-dn-6*	400-1	400-1	400-1
Chester FM	RIC VOR	Direct	1500	A-dn	800-2	800-2	800-2

Procedure turn South side of crs, 236° Outbnd, 056° Inbnd, 1500′ within 10 mi of RIC VOR.
Minimum altitude over facility on final approach crs, 567′. Maintain 800′ until passing Stack Int.#
Crs and distance, breakoff point to approach end of runway, 063°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of RIC VOR, climb to 1500′ on R-056 of RIC VOR within 10 miles or, when directed by ATC, make left climbing turn to 1500′ on the N crs of RIC LFR within 10 miles.
*If Stack Int. not received, minimums of 800-1 will apply.
#Int of R-236 RIC VOR & the NW crs of RIC LFR.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167′; Fac. Class, VOR; Ident., RIC; Procedure No. TerVOR-6, Amdt. Orig.; Eff. Date, 8 Aug. 59

Flat Rock VOR	RIC VOR	Direct	2000	T-dn	300-1	300-1	200-½
Chester FM	RIC VOR	Direct	1500	C-dn	700-1	700-1	700-1½
Manakin RBn	RIC VOR	Direct	2000	S-dn-15	700-1	700-1	700-1
				A-dn	800-2	800-2	800-2

Procedure turn North side of crs, 338° Outbnd, 158° Inbnd, 1400′ within 10 miles.
Minimum altitude over facility on final approach crs, 867′.
Crs and distance, breakoff point to approach end of runway, 154°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 1500′ on R-158 RIC VOR within 10 miles.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167′; Fac. Class, VOR; Ident., RIC; Procedure No. TerVOR-15, Amdt. Orig.; Eff Date, 8 Aug. 59

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Flat Rock VOR	RIC VOR	Direct	2000	T-dn	300–1	300–1	200–½
Hopewell VOR	RIC VOR (Final)	Direct	1500	C-dn	600–1	600–1	600–1½
Chester FM	RIC VOR	Direct	1500	S-dn-33	600–1	600–1	600–1
Manakin RBn	RIC VOR	Direct	2000	A-dn	800–2	800–2	800–2

Procedure turn North side of crs, 144° Outbnd, 324° Inbnd, 1400′ within 10 mi.
Minimum altitude over facility on final approach crs, 767′.
Crs and distance, breakoff point to approach end of facility, 334°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of RIC VOR, make a right climbing turn to 1500′ on R-360 of RIC VOR on, when directed by ATC, make a right climbing turn to 1500′ on N crs of RIC LFR within 10 miles.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167′; Fac. Class, VOR; Ident., RIC; Procedure No. TerVOR-33, Amdt. Orig.; Eff. Date, 8 Aug. 59

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Maxwell LFR	LOM	Direct	1500	T-dn	300–1	300–1	200–½
Montgomery VOR	LOM	Direct	1500	C-dn	400–1	500–1	500–1½
Catona Int	LOM	Direct	1700	S-dn-9*	200–½	200–½	200–½
Craig Int	LOM (Final)	Direct	1700	A-dn	600–2	600–2	600–2
Calhoun Int	LOM	Direct	1500				
Swift Creek Int	LOM	Direct	1500				
Sellers Int	LOM	Direct	2500				
Radar Terminal Area Transition Altitudes		Within 15 mi	2000				
		Within 30 mi	3000				

Procedure turn S side W crs, 273° Outbnd, 093° Inbnd, 1700′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope int inbnd, 1700′.
Altitude of glide slope and distance to appr end of Rny at OM, 1700′—5.1; at MM, 435′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right, climb to 1800′ and proceed to MGM VOR or, when directed by ATC, climb to 2000′ on E crs ILS within 20 miles.
CAUTION: Tower 987′ MSL, 8 mi East.
*400–¾ required when Glide Slope not used.

City, Montgomery; State, Ala.; Airport Name, Dannelly Field; Elev., 221′; Fac. Class, ILS; Ident., I-MGM; Procedure No. ILS-9, Amdt 6; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 5; Dated, 20 June 59

MXF LFR	Catona Int	Direct	2000	T-dn	300–1	300–1	200–½
MGM VOR	Catona Int	Direct	2000	C-dn	400–1	500–1	500–1½
Radar Terminal Area Transition Altitudes	Radar Site	Within 15 mi	2000	S-dn-27	400–1	400–1	400–1
		Within 30 mi	3000	A-dn	800–2	800–2	800–2

Procedure turn* S side of E crs, 093° Outbnd, 273° Inbnd, 2000′ within 10 mi. Beyond 10 mi. NA.
Minimum altitude over Catona Int on final approach crs, 1500′.
Crs and distance, Catona Int to airport, 273°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1700′ on W crs ILS within 20 mi or, when directed by ATC, turn left, climb to 1800′ and proceed to MGM VOR.
*Procedure turn nonstandard due to traffic.

City, Montgomery; State, Ala.; Airport Name, Dannelly Field; Elev., 221′; Fac. Class, ILS; Ident., IMGM; Procedure No. ILS-27, Amdt. 2; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 1; Dated, 30 May 59

OMA-VOR	LOM	Direct	2700	T-dn#	*300–1	*300–1	##200–½
OMA-LFR	LOM	Direct	2500	C-d	600–1	700–1	700–1½
California FM via R-170	NW crs ILS (Final)	Direct	2500	C-n	600–1½	700–1½	700–1½
Neola VOR	LOM	Direct	2500	S-dn-14L%	300–¾	300–¾	300–¾
				A-dn	700–1½	700–1½	700–1½

Radar transitions authorized all sectors 2500′ except 2700′ within 3 mi of 1739′ tower 4 miles West; 2700′ within 3 mi of 1746′ tower 3 mi Southwest and 2600′ within 3 mi of 1620′ tower 11.5 mi Southwest of airport.
#After takeoff climb to 2000′ m.s.l. prior to proceeding in a westerly direction.
AIR CARRIER NOTES: *No reduction in 2-eng. or less aircraft takeoff minimums authorized except on Rnwys 14L, 32R, 17L and 35R. ##300–1 takeoff minimums required for more than 2-eng. aircraft except Rnwys 14L, 32R, 17L and 35R. %400–¾ straight-in required when glide slope or approach lights are inoperative.
Procedure turn West side of crs, 315° Outbnd, 135° Inbnd, 2500′ within 10 mi of OM.
Minimum altitude at glide slope Int inbnd, 2100′.
Altitude of glide slope and distance to approach end of runway at OM, 2085′—4.0 mi; at MM, 1180′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi after passing LOM, climb to 2700′ on SE crs ILS, then proceed direct to OMA VOR or, when directed by ATC, (1) Climb to 2500′ on SE crs ILS, turn left and proceed direct to Neola VOR; (2) When under radar direction, climb to 2500′ prior to making right or left turn.
CAUTION: Bluff 1339′ m.s.l. 1.3 mi East; TV towers 1739′ MSL 4 mi WNW and 1746′ m.s.l. 3 mi SW of airport.

City, Omaha; State, Nebr.; Airport Name, Omaha Municipal; Elev., 982′; Fac. Class, ILS; Ident., I-OMA; Procedure No. ILS-14L, Amdt. 8; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 7; Dated, 7 Dec. 58

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
OMA LFR	Keg Int*	Direct	2700	T-dn#	%300-1	%300-1	@200-½
Neola VOR	Keg Int*	Direct	2500	C-d	600-1	700-1	700-1¼
OMA LOM	Keg Int*	Direct	2700	C-n	600-1½	700-1½	700-1¼
OMA VOR	Keg Int (Final)*	Direct	2500	S-d-32R	500-1	500-1	500-1
Keg Int*	Stack Int (Final)**	Direct	1800	S-n-32R	500-1½	500-1½	500-1½
				A-dn	800-2	800-2	800-2

Radar transitions authorized all sectors 2500' except 2700' within 3 mi of 1739' tower 4 mi West; 2700' within 3 mi Southwest; and 2600' within 3 mi of 1620' tower 11.5 mi Southwest of airport.
Procedure turn East side of crs, 135° Outbnd, 315° Inbnd, 2500' within 10 mi of *Keg Int.
No glide slope, Outer or Middle Marker. Descend to 1800' after passing *Keg Int. Descend to landing minimums after passing **Stack Int. Crs and distance, **Stack Int to airport, 315°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 mi after passing **Stack Int, climb to 2700' on crs of 315° to LOM or, when directed by ATC, make right turn, climb to 2500' and proceed to Neola VOR.
NOTE: Radar fixes authorized at *Keg and **Stack Intersections. ILS procedure NA when radar inoperative unless aircraft equipped to receive ILS/VOR simultaneously.
CAUTION: Bluff 1339' m.s.l. 1.3 mi East; TV towers 1739' m.s.l. 4 mi WNW and 1746' m.s.l. 3 mi SW of airport. Stack 1192' m.s.l. 0.8 mi SSE of LOM.
*Keg Int: Neola VOR R-196 and back localizer course.
**Stack Int: Neola VOR R-204 and back localizer course.
#After takeoff, climb to 2000' m.s.l. prior to proceeding in a westerly direction.
AIR CARRIER NOTES: %No reduction in 2-engine or less aircraft takeoff minimums authorized except on Rnwys 14L, 32R, 17L and 35R. @300-1 takeoff minimums required for more than 2-eng. aircrft except Rnys 14L, 32R, 17L and 35R.

City, Omaha; State, Nebr.; Airport Name, Omaha Municipal; Elev., 982'; Fac. Class, ILS; Ident., 1-OMA; Procedure No. ILS-32R, Amdt. 1; Eff. Date, 8 Aug. 59; Sup. Amdt. No. Orig.; Dated, 7 Dec. 58

New Alexandria RBn or Int	Hudson Int	Direct	3000	T-dn	300-1	300-1	200-½
Butler RBn	River RBn	Direct	3000	C-dn	500-1	500-1	500-1¼
McKeesport RBn	ILS crs (Final)	320-11	3000	S-dn-28*	200-½	200-½	200-½
Pittsburgh LFR	River RBn	Direct	3000	A-dn	600-2	600-2	600-2
Pittsburgh VOR	River RBn	Direct	3000				
Cecil RBn	River RBn	Direct	3000				
Clinton RBn	River RBn	Direct	3000				
Hudson Int	River RBn (Final)	Direct	3000				
Tarentum Int	ILS crs (Final)	245-13.5	3000				
Radar Terminal Area Transition Altitudes	Radar Site	All sectors within:					
		10 mi	#2500				
		10-40 mi	3000 or MEA when lower				

Procedure turn N side E crs, 097° Outbnd, 277° Inbnd, 3000' within 10 miles of River RBn. NA beyond 10 mi.
Minimum altitude at G.S. int inbnd, 3000'.
Altitude of G.S. and distance to appr end of rnwy at OM, 3000'—5.6 mi; at MM, 1390'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000' on West crs of ILS to Clinton RBn.
NOTES: Center line modified type B approach lighting. Radar may be used to position aircraft to final approach course inbound within 10 miles of LOM (River RBn) with the elimination of a procedure turn.
#Radar control must provide 1000' clearance when within three miles or 500' clearance when 3-5 miles of antenna towers reaching 2049' MSL in area 9 to 15 miles East of airport.
*400-¾ required with glide slope inoperative.

City, Pittsburgh; State, Pa.; Airport Name, Greater Pittsburgh; Elev., 1168'; Fac. Class, ILS; Ident., I-GPB; Procedure No. ILS-28, Amdt. 4; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 3; Dated, 13 Dec. 58

Savannah LFR	LOM	Direct	1300	T-dn	300-1	300-1	200-½
Marlow Int	LOM	Direct	1500	C-dn	400-1	500-1	500-1¼
Savannah VOR	LOM	Direct	1300	S-dn-9*	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar transition altitude 1500' within 25 miles.
Procedure turn N side crs, 271° Outbnd, 091° Inbnd, 1500' within 10 miles. Beyond 10 mi. NA. (Nonstandard due to danger area.)
Minimum altitude at G S. int. inbnd, 1500'.
Altitude of G.S. and distance to appr end of rny at OM 1450—4.8, at MM 237—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make immediate left turn, climb to 1400' on R-300 SAV VOR or NW crs SAV LFR within 20 mi.
*400-¾ required when glide slope not utilized.

City, Savannah; State, Ga.; Airport Name, Travis Field; Elev., 50'; Fac. Class, ILS; Ident., ISAV; Procedure No. ILS-9, Amdt. 5; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 4; Dated, 11 Oct. 58

South Bend LFR	Int*	Direct	2000	T-dn	300-1	300-1	200-½
South Bend LOM	Int*	Direct	2000	C-dn	500-1	500-1	500-1½
South Bend VOR	Int*	Direct	2000	S-dn 9	500-1	500-1	500-1
Int E crs ILS & East crs SBN LFR	Int*	Direct	2000	A-dn	800-2	800-2	800-2
New Carlisle Int#	Int* (Final)	Direct	1500				
Grand Beach Int**	La Porte Int***	R-345	3000				
La Porte Int***	New Carlisle Int#	OXI-VOR W crs SBN ILS	2100				

Procedure turn N side of W crs 268° Outbnd, 088° Inbnd 2000' within 10 mi. of Int*.
No glide slope or markers. Alt. over Int* 1500'—distance from over Int* 2.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 mi of Int*, climb to 2000' on E crs ILS to SBN LOM or, when directed by ATC, climb to 2000' on E crs SBN LFR within 26 mi.
NOTE: Authorized only when aircraft equipped to receive ILS and VOR or ILS and ADF or ILS and LFR simultaneously.
*Int W crs SBN ILS and N crs SBN LFR or R-215 SBN VOR.
**Int R-271 SBN VOR and R-345 OXI VOR.
***Int W crs SBN ILS and R-345 OXI VOR.
#Int W crs SBN ILS and R-007 OXI VOR.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 778'; Fac. Class, ILS, back crs approach; Ident., ISBN; Procedure No. ILS-9, Amdt., 2; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 1; Dated, 26 Nov. 55

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				Surveillance approach			
0	360°	Within 15 mi	#2500	T-dn	300-1	300-1	*200-½
		Within 15-25 mi	3500	C-dn	800-1	900-1	900-1½
				S-dn-5/23	600-1	600-1	600-1
				S-dn-18	700-1	700-1	700-1
				S-dn-36	800-1	800-1	800-1
				A-dn	1000-2	1000-2	1000-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished:
Runway 5: Climb to 3000', turn right and proceed to Leeds Int via BHM VOR R-115 or, when directed by ATC, climb to 2500' on crs of 052° from LOM within 15 miles.
Runway 23: Climb to 2600', turn right and proceed to BHM VOR or, when directed by ATC, climb to 2600' and proceed to BHM LOM or, climb to 2600', turn right and proceed to BHM LFR.
Runway 36: Climb to 2000', turn left and proceed to BHM VOR or, when directed by ATC, climb to 2500' on N crs BHM LFR within 20 miles.
Runway 18: Climb to 3000', turn left and proceed to BHM VOR or, when directed by ATC, climb to 3000', turn left and proceed to BHM LFR.
AIR CARRIER NOTE: Sliding scale NA.
#Radar control must provide 3 mi separation from radio tower 1532' located 4 mi SW of airport or maintain 2600'.
*Runway 5-23 only.

City, Birmingham; State, Ala.; Airport Name, Municipal; Elev., 643'; Fac. Class, Birmingham; Ident., Radar; Procedure No. 1, Amdt. 2; Eff. Date, 8 Aug 59; Sup. Amdt. No. 1; Dated, 9 Feb. 57

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c); 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on July 9, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59-5814; Filed, July 20, 1959; 8:45 a.m.]

[Regulatory Docket 64; Amdt. 50]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Alterations

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. The Administrator finds that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable.

Part 610 is amended as follows:

Section 610.207 *Red Federal airway 7* is amended to read in part:

From Int. S. crs. Greenville, S.C., LFR and SW crs., Spartanburg, S.C., LFR; to Greenville, S.C., LFR; MEA 2,300.

Section 610.281 *Red Federal airway 81* is amended to read:

From Lansing, Mich., LFR; to Manchester INT, Mich.; MEA 2,900.

Section 610.1001 *Direct routes—U.S.* is amended by adding:

From Columbus, Miss., VOR; to Hamilton INT, Ala.; MEA 2,000.

From Tuscaloosa, Ala., VOR; to Millport INT, Ala.; MEA 2,000.

From Gregg Co., Tex., VOR; to Int. 255 GGG VOR and 175 UIM VOR; MEA 2,100.

Section 610.1001 *Direct routes, U.S.* is amended to delete:

From Gregg Co., Tex., VOR; to Int. GGG VOR 259 and UIM VOR 180; MEA 2,100.

Section 610.6005 *VOR Federal airway 5* is amended to read in part:

From *Pine Log INT, Ga.; to **Dalton INT, Ga.; MEA ***4,000. *5,000—MRA. **4,500—MRA. ***3,500—MOCA.

From *Pine Log INT, Ga.; via W alter.; to **Dalton INT, Ga., via W alter.; MEA ***4,000. *5,000—MRA. **4,500—MRA. ***3,500—MOCA.

Section 610.6007 *VOR Federal airway 7* is amended to read in part:

From *Taylor INT, Wis.; to Racine INT, Wis.; MEA **3,000. *4,500—MCA Taylor INT, southbound. **2,100—MOCA.

From Racine INT, Wis.; to *New Berlin INT, Wis.; MEA 2,100. *3,500—MRA.

From New Berlin INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,300.

From Taylor INT, Wis., via E alter.; to Racine Int, Wis., via E alter.; MEA *3,000. *2,100—MOCA.

From Racine INT, Wis., via E alter.; to *New Berlin INT, Wis., via E alter.; MEA 2,100. *3,500—MRA.

From New Berlin INT, Wis., via E alter.; to Milwaukee, Wis., VOR via E alter.; MEA 2,300.

Section 610.6011 *VOR Federal airway 11* is amended to read in part:

From Evansville, Ind., VOR via E alter.; to Scotland, Ind., VOR via E alter.; MEA *2,700. *2,000—MOCA.

Section 610.6012 *VOR Federal airway 12* is amended to read in part:

From Gage, Okla., VOR via N alter.; to *Aetna INT, Okla., via N alter.; MEA **9,500. *10,500—MRA. **3,500 MOCA.

From Lewis, Ind., VOR; to Spencer INT, Ind.; MEA 2,000.

From Spencer INT, Ind.; to Wilbur INT, Ind.; MEA 2,200.

Section 610.6015 *VOR Federal airway 15* is amended to read in part:

From Aberdeen, S. Dak., VOR; to Bismarck, N. Dak., VOR; MEA 4,700.

From Waco, Tex., VOR; to Waxie INT, Tex.; MEA 2,000.

From Waxie INT, Tex.; to Fair Park INT, Tex.; MEA 2,600.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From Blythe, Calif., VOR via N alter.; to Big Horn INT, Ariz., via N alter.; MEA *6,500. *5,500—MOCA.

From Big Horn INT, Ariz., via N alter.; to Hassayampa, Ariz., VOR via N alter.; MEA *6,000. *5,000—MOCA.

From *Tucson, Ariz., VOR via S alter.; to Mescal INT, Ariz., via S alter.: southeastbound, MEA 9,000; northwestbound, MEA 7,000. *7,500—MCA Tucson VOR, southeastbound.

From Mescal INT, Ariz., via S alter.; to Cochise, Ariz., VOR via S alter.; MEA 10,000.

From Cochise, Ariz., VOR; to *Animas INT, N. Mex.; MEA 11,000. *10,000—MCA Animas INT, westbound.

From Hilltop, N. Mex., FM; to Animas INT, N. Mex., eastbound only; MEA 10,000.

From Animas INT, N. Mex.; to Columbus, N. Mex., VOR; MEA 9,000.

Section 610.6020 *VOR Federal airway 20* is amended to read in part:

From Corpus Christi, Tex., VOR; to *Bonnie View INT, Tex.; MEA 1,400. *1,800—MRA.

From Bonnie View INT, Tex.; to Palacios, Tex., VOR; 1,400.

Section 610.6025 *VOR Federal airway 25* is amended to read in part:

From Klamath Falls, Oreg., VOR; to Redmond, Oreg., VOR; MEA *15,000. *10,000—MOCA.

Section 610.6026 *VOR Federal airway 26* is amended to read in part:

From Eau Claire, Wis., VOR; to *Cadott INT, Wis.; MEA 2,400. *4,100—MRA.

From Green Bay, Wis., VOR; to *Pine Grove INT, Wis.; MEA 2,900. *2,400—MCA Pine Grove INT, northwestbound.

From Pine Grove INT, Wis.; to Nero INT, Wis.; MEA 2,000.

From Nero INT, Wis.; to *Pentwater INT, Mich.; MEA **3,800. *3,800—MRA. **2,000—MOCA.

From Pentwater INT, Mich.; to White Cloud, Mich., VOR; MEA *3,800. *2,100—MOCA.

Section 610.6035 *VOR Federal airway 35* is amended to read in part:

From St. Petersburg, Fla., VOR via W alter.; to *Crystal INT, Fla., via W alter.; MEA **1,500. *2,200—MRA. **1,300—MOCA.

From Crystal INT, Fla., via W alter.; to Shrimp INT, Fla., via W alter.; MEA *2,400. *1,000—MOCA.

Section 610.6038 *VOR Federal airway 38* is amended to read in part:

From Annawan INT, Ill.; to *Triumph INT, Ill.; MEA 5,200. *5,200—MCA Triumph INT, westbound.

Section 610.6051 *VOR Federal airway 51* is amended to read in part:

From Roberta INT, Ga., via W alter.; to Atlanta, Ga., VOR via W alter.; MEA 2,300.

From *Pine Log INT, Ga.; to **Dalton INT, Ga.; MEA ***4,000. *5,000—MRA. **4,500—MRA. ***3,500—MOCA.

From *Pine Log INT, Ga., via W alter.; to **Dalton INT, Ga., via W alter.; MEA ***4,000. *5,000—MRA. **4,500—MRA. ***3,500—MOCA.

Section 610.6055 *VOR Federal airway 55* is amended to read in part:

From Muskegon, Mich., VORTAC; to *Pentwater INT, Mich.; MEA **3,000. *3,800—MRA. **2,100—MOCA.

From Pentwater INT, Mich.; to Nero INT, Wis.; MEA *3,800. *2,000—MOCA.

From Nero INT, Wis.; to *Pine Grove INT, Wis.; MEA 2,000. *2,400—MCA Pine Grove INT, northwestbound.

From Pine Grove INT, Wis.; to Green Bay, Wis., VOR; MEA 2,900.

Section 610.6066 *VOR Federal airway 66* is amended to read in part:

From Douglas, Ariz., VOR; to *Animas INT, N. Mex.; MEA 11,000. *11,000—MCA Animas INT, southwestbound.

From Animas INT, N. Mex.; to Columbus, N. Mex., VOR; MEA 9,000.

Section 610.6068 *VOR Federal airway 68* is amended to read in part:

From *Armstrong INT, Tex.; to Brownsville, Tex., VOR; MEA **2,000. *10,000—MRA. **1,400—MOCA.

From Junction, Tex., VOR; to *Morris INT, Tex.; MEA **3,600. *7,000—MRA. **3,400—MOCA.

From Morris INT, Tex.; to *Comfort INT, Tex.; MEA **3,600. *5,700—MRA. **3,400—MOCA.

Section 610.6070 *VOR Federal airway 70* is amended to read in part:

From Corpus Christi, Tex., VOR; to *Bonnie View INT, Tex.; MEA 1,400. *1,800—MRA.

From Bonnie View INT, Tex.; to Palacios, Tex., VOR; MEA 1,400.

Section 610.6071 *VOR Federal airway 71* is amended to read in part:

From Springfield, Mo., VOR; to *Schell City INT, Mo.; MEA 2,500. *3,500—MRA.

Section 610.6074 *VOR Federal airway 74* is amended to read in part:

From Dodge City, Kans., VOR; to Greensburg INT, Kans.; MEA *3,700. *2,900—MOCA.

From Greensburg INT, Kans.; to Salt INT, Kans.; MEA *3,600. *3,300—MOCA.

From Salt INT, Kans.; to Anthony, Kans., VOR; MEA *3,600. *2,900—MOCA.

Section 610.6078 *VOR Federal airway 78* is amended to read in part:

From Litchfield INT, Minn.; to *Cokato INT, Minn.; MEA **3,000. *3,300—MRA. **2,300—MOCA.

From Cokato INT, Minn.; to Minneapolis, Minn., VOR; MEA *3,000. *2,300—MOCA.

From White Bear INT, Minn.; to Houlton INT, Wis.; MEA 2,800.

From Houlton INT, Wis.; to Eau Claire, Wis., VOR; MEA *3,000. *2,800—MOCA.

Section 610.6081 *VOR Federal airway 81* is amended to read in part:

From Amarillo, Tex., VOR via E alter.; to *Dumas INT, Tex., via E alter.; MEA 5,200. *10,000—MRA.

From Dumas INT, Tex., via E alter.; to Dalhart, Tex., VOR via E alter.; MEA 5,200.

Section 610.6094 *VOR Federal airway 94* is amended to read in part:

From Britton, Tex., VOR; to Waxie INT, Tex.; MEA 2,600.

From Waxie INT, Tex.; to Scurry INT, Tex.; MEA 1,900.

Section 610.6097 *VOR Federal airway 97* is amended to read in part:

From St. Petersburg, Fla., VOR; to *Crystal INT, Fla.; MEA **1,500. *2,200—MRA. **1,300—MOCA.

From Crystal INT, Fla.; to Shrimp INT, Fla.; MEA *2,400. *1,000—MOCA.

From St. Petersburg, Fla., VOR via E alter.; to *Crystal INT, Fla., via E alter.; MEA **1,500. *2,200—MRA. **1,300—MOCA.

From Crystal INT, Fla., via E alter.; to Shrimp INT, Fla., via E alter.; MEA *2,400. *1,000—MOCA.

Section 610.6098 *VOR Federal airway 98* is amended to read in part:

From Pulaski INT, Ohio; to Lyons INT, Ohio; MEA *2,600. *2,300—MOCA.

From Lyons INT, Ohio; to Deerfield INT, Mich.; MEA 2,600.

From Deerfield INT, Mich.; to Carleton, Mich., VOR; MEA 2,000.

Section 610.6100 *VOR Federal airway 100* is amended to read in part:

From O'Neill, Nebr., VOR; to Sioux City, Iowa, VOR; MEA *4,700. *3,700—MOCA.

Section 610.6105 *VOR Federal airway 105* is amended to read in part:

From Casa Grande, Ariz., VOR; to *Indian INT, Ariz.; MEA 4,000. *6,000—MRA.

From Indian INT, Ariz.; to Phoenix, Ariz., VOR; MEA 4,000.

Section 610.6114 *VOR Federal airway 114* is amended to read in part:

From Amarillo, Tex., VOR via S alter.; to *Ranch INT, Tex., via S alter.; MEA 4,700. *9,000—MRA.

From Ranch INT, Tex., via S alter.; to Childress, Tex., VOR via S alter.; MEA 4,700.

Section 610.6140 *VOR Federal airway 140* is amended to read in part:

From Amarillo, Tex., VOR via N alter.; to *Pampa INT, Tex., via N alter.; MEA 4,700. *6,000—MRA.

From Pampa INT, Tex., via N alter.; to Sayre, Okla., VOR via N alter.; MEA 4,700.

Section 610.6163 *VOR Federal airway 163* is amended to read in part:

From Brownsville, Tex., VOR; to *Armstrong INT, Tex.; MEA **2,000. *10,000—MRA. **1,400—MOCA.

Section 610.6171 *VOR Federal airway 171* is amended to read in part:

From Excelsior INT, Minn.; to Mayer INT, Minn., MEA 2,500.

From Mayer INT, Minn.; to *Cokato INT, Minn.; MEA **3,300. *3,300—MRA. *3,600—MCA Cokato INT, northwestbound. **2,500—MOCA.

Section 610.6172 *VOR Federal airway 172* is amended to read in part:

From Wolbach, Nebr., VOR via N alter.; to Neola, Iowa, VOR via N alter.; MEA 4,500.

Section 610.6180 *VOR Federal airway 180* is amended to read in part:

From *Conoco INT, Tex.; to Arcola INT, Tex.; MEA 1,600. *2,800—MRA.

From Arcola INT, Tex.; to Galveston, Tex., VOR; MEA 2,200.

Section 610.6181 *VOR Federal airway 181* is amended to read:

From Sioux Falls, S. Dak., VOR; to *Oakwood INT, S. Dak.; MEA 3,000. *4,000—MRA.

From Oakwood INT, S. Dak.; to Watertown, S. Dak., VOR; MEA 3,000.

Section 610.6190 *VOR Federal airway 190* is amended to read in part:

From Springfield, Mo., VOR; to Maples, Mo., VOR; MEA 2,600.

Section 610.6191 *VOR Federal airway 191* is amended to read in part:

From Taylor INT, Wis.; to Racine INT, Wis.; MEA *3,000. *2,100—MOCA.

From Racine INT, Wis.; to *New Berlin INT, Wis.; MEA 2,100. *3,500—MRA.

From New Berlin INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,300.

Section 610.6198 *VOR Federal airway 198* is amended to read in part:

From Animas INT, N. Mex.; to Columbus, N. Mex., VOR; MEA 9,000.

Section 610.6205 *VOR Federal airway 205* is amended to read in part:

From Springfield, Mo., VOR via W alter.; to *Schell City INT, Mo., via W alter.; MEA 2,500. *3,500—MRA.

From Schell City INT, Mo., via W alter.; to Blue Springs, Mo., VOR via W alter.; MEA 3,500.

Section 610.6208 *VOR Federal airway 208* is amended to delete:

From Roswell, N. Mex., VOR; to *Caprock INT, N. Mex.; MEA **7,500. *7,500—MRA. **7,100—MOCA.

From Caprock INT, N. Mex.; to Dora INT, N. Mex.; MEA *6,600. *5,500—MOCA.

Section 610.6217 *VOR Federal airway 217* is amended to read in part:

From Taylor INT, Wis.; to Racine INT, Wis.; MEA *3,000. *2,100—MOCA.
From Racine INT, Wis.; to Oakwood INT, Wis.; MEA 2,100.

Section 610.6241 *VOR Federal airway 241* is amended to read in part:

From Columbus, Ga., VOR; to *Big Spring INT, Ga.; MEA 2,200. *2,800—MRA.
From Big Spring INT, Ga.; to Raymond INT, Ga.; MEA 2,200.

Section 610.6280 *VOR Federal airway 280* is amended to read in part:

From Roswell, N. Mex., VOR; to *Caprock INT, N. Mex.; MEA **7,500. *7,500—MRA. **7,100—MOCA.
From Caprock INT, N. Mex.; to Dora INT, N. Mex.; MEA *6,600. *5,500—MOCA.
From Gage, Okla., VOR; to *Aetna INT, Okla.; MEA **9,500. *10,500—MRA. **3,500—MOCA.

Section 610.6454 *VOR Federal airway 454* is amended to read in part:

From Tuskegee, Ala., VOR; to *Big Spring INT, Ga.; MEA **2,800. *2,800—MRA. **2,300—MOCA.
From Big Spring INT, Ga.; to McDonough, Ga., VOR; MEA *2,800. *2,300—MOCA.

Section 610.6600 *VOR Federal airway 1500* is amended to read in part:

From Eau Claire, Wis., VOR; to *Cadott INT, Wis.; MEA 2,400. *4,100—MRA.
From Green Bay, Wis., VOR; to *Pine Grove INT, Wis.; MEA 2,200. *2,400—MCA Pine Grove INT, northwestbound.
From Pine Grove INT, Wis.; to Nero INT, Wis.; MEA 2,000.
From Nero INT, Wis.; to *Pentwater INT, Mich.; MEA **3,800. *3,800—MRA. **2,000—MOCA.
From Pentwater INT, Mich.; to White Cloud, Mich.; MEA *3,800. *2,100—MOCA.
From Litchfield INT, Minn.; to *Cokato INT, Minn.; MEA **3,000. *3,300—MRA. **2,300—MOCA.
From Cokato INT, Minn.; to Minneapolis, Minn., VOR; MEA *3,000. *2,300—MOCA.

Section 610.6606 *VOR Federal airway 1506* is amended to read in part:

From O'Neill, Nebr., VOR; to Sioux City, Iowa, VOR; MEA *4,700. *3,700—MOCA.

Section 610.6608 *VOR Federal airway 1508* is amended to read in part:

From O'Neill, Nebr., VOR; to Sioux City, Iowa, VOR; MEA *4,700. *3,700—MOCA.

Section 610.6610 *VOR Federal airway 1510* is amended to read in part:

From Annawan INT, Ill.; to *Triumph INT, Ill.; MEA 5,200. *5,200—MCA Triumph INT, westbound.

Section 610.6616 *VOR Federal airway 1516* is amended to read in part:

From Springfield, Mo., VOR; to Maples, Mo., VOR; MEA 2,600.
From State Line INT, Kans.; to Liberal, Kans., VOR; MEA 4,500.
From Englewood INT, Kans.; to *Aetna INT, Kans.; MEA **10,500. *10,500—MRA. **3,500—MOCA.

Section 610.6622 *VOR Federal airway 1522* is amended to read in part:

From Cochise, Calif., VOR; to *Animas INT, N. Mex.; MEA 11,000. *10,000—MCA Animas INT, westbound.
From Hilltop, Ariz., FM; to Animas INT, N. Mex., eastbound only; MEA 10,000.
From Animas INT, N. Mex.; to Columbus, N. Mex., VOR; MEA 9,000.

Section 610.6633 *VOR Federal airway 1533* is amended to read in part:

From Klamath Falls, Oreg., VOR; to Redmond, Oreg., VOR; MEA *15,000. *10,000—MOCA.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

These rules shall become effective August 27, 1959.

Issued in Washington, D.C., on July 15, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59-5943; Filed, July 20, 1959; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7265 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Alton Canning Co., Inc., et al.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2(a): § 13.715 *Charges and price differentials.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U.S.C. 13) [Cease and desist order, Alton Canning Company, Inc., et al., Alton, N.Y., Docket 7265, June 20, 1959]

In the Matter of Alton Canning Company, Inc., a Corporation; Edward E. Burns, and Morton Adams, Individually and as Officers of Said Alton Canning Company, Inc.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging an Alton, N.Y., canner of fruits and vegetables with discriminating in price in violation of section 2(a) of the Clayton Act by such practices as selling its products to some purchasers at prices from 2 percent to 14 percent higher than those at which it sold to favored buyers, including a purchaser for resale to large grocery chains.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 20 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondents Alton Canning Company, Inc., a corporation, and Edward E. Burns, individually and as an officer of corporate respondent, directly or through any corporate or other device, in connection with the sale of their canned fruits and vegetables in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Discriminating in the price of such products of like grade and quality:

1. By selling to any purchaser at net prices higher than the net prices charged to any other purchaser who in fact competes with the purchaser paying the higher price in the resale and distribution of Respondents' products;

2. By selling to any purchaser at net prices higher than the net prices charged to any other purchaser whose customers in fact compete with the customers of the purchaser paying the higher price in the resale and distribution of Respondents' products;

3. By selling to any purchaser at net prices lower than the net prices charged to any other purchaser whose customers in fact compete with the purchaser paying the lower price in the resale and distribution of Respondents' products.

It is further ordered, That the complaint be dismissed as to Morton Adams.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That Respondents Alton Canning Company, Inc., a corporation, and Edward E. Burns, individually and as an officer of said Alton Canning Company, Inc., shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 1, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-5944; Filed, July 20, 1959; 8:45 a.m.]

[Docket 7423 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Eastern Canners, Inc., and Dill Wattis, Jr.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage, or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U.S.C. 13) [Cease and desist order, Eastern Canners, Inc., et al., Glenside, Pa., Docket 7423, June 16, 1959]

In the Matter of Eastern Canners, Inc., a Corporation, and Dill Wattis, Jr., Individually and as an Officer of Said Respondent Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a distributor of canned fruits and vegetables and other grocery items in Glenside, Pa., with violating section 2(c) of the Clayton Act by receiving and accepting from suppliers on purchases for its own account for resale, allowances or discounts in lieu of brokerage ranging from 1½ percent to 4 percent of the net purchase price.

After acceptance of an agreement containing a consent order, the hearing

examiner made his initial decision and order to cease and desist which became on June 16 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Eastern Canners, Inc., a corporation, and its officers, and Dill Wattis, Jr., individually and as an officer of respondent corporation, and respondents' agents, representatives, or employees, directly or through any corporate or other device, in connection with the purchase and resale of food products or other commodities in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of food products or other commodities for their own account, or while acting for or on behalf of any buyer as an intermediary or agent, or subject to the direct or indirect control of such buyer.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 1, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-5945; Filed, July 20, 1959; 8:45 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6398]

PART 252—DRAWBACK ON LIQUORS EXPORTED

Miscellaneous Amendments

On June 11, 1959, a notice of proposed rule making, proposing certain amendments to 26 CFR Part 252, was published in the FEDERAL REGISTER (24 F.R. 4742). No objection to the proposed amendments having been received during the 15-day period prescribed in the notice, the regulations as proposed in the FEDERAL REGISTER are hereby adopted, subject to the following minor clarifying and liberalizing changes:

1. Paragraph 9 of the notice is revised by striking the word "owner" from § 252.135 and inserting in lieu thereof the word "exporter".

2. Paragraph 12 of the notice is revised as follows:

(A) By inserting in the first sentence of § 252.195, immediately after the words "drawback of tax", the phrase ", under this subpart,".

(B) By revising § 252.198.

Because this Treasury decision implements and effectuates changes made in chapter 51 of the Internal Revenue Code of 1954 by the Excise Tax Technical Changes Act of 1958 (Public Law 85-859, 72 Stat. 1275) which become effective July 1, 1959, it is hereby found that it is impracticable and contrary to the public interest to issue this Treasury decision subject to the effective date limitation of section 4(c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). Accordingly, this Treasury decision shall become effective on July 1, 1959.

(68A Stat. 917; 26 U.S.C. 7805)

DANA LATHAM, *Commissioner of Internal Revenue.*

[SEAL] RALPH KELLY, *Commissioner of Customs.*

Approved: July 15, 1959.

FRED C. SCRIBNER, Jr., *Acting Secretary of the Treasury.*

Section 201 of the Excise Tax Technical Changes Act of 1958 (72 Stat. 1313) makes certain changes respecting drawback of internal revenue tax paid or determined on liquors exported or used as supplies on certain vessels or aircraft. These changes, in general, provide for drawback of internal revenue tax on such exportation or use of (1) distilled spirits bottled in bond for export with benefit of drawback, (2) distilled spirits bottled for domestic use (including bottled-in-bond spirits) which are restamped and marked for export, (3) distilled spirits in packages filled in internal revenue bond, and (4) wines manufactured or produced in the United States, contained in packages or unbroken cases filled on premises qualified under this chapter, to package or bottle wines.

In order to implement these changes, 26 CFR Part 252 is amended as follows:

1. Section 252.1 is amended to read:

§ 252.1 Drawback on distilled spirits, wines, and beer.

The regulations in this part relate to the allowance of drawback of internal revenue tax on eligible distilled spirits, wines, and beer exported or used as supplies on certain vessels or aircraft. All the provisions of this part relating to spirits or wines on which the internal revenue taxes have been paid shall apply equally to spirits or wines on which the internal revenue taxes have been determined. Regulations relating to drawback of tax on such articles deposited in foreign-trade zones are contained in part 253 of this chapter.

§ 252.3 [Amendment]

2. Section 252.3 is amended by revising all of that portion which precedes the colon to read: "Distilled spirits (except distilled spirits in packages filled in internal revenue bond), wines, and beer, eligible for drawback of tax under this part when exported, shall be considered to be exported for the purpose of drawback of taxes, when laden as supplies on vessels and aircraft as follows:"

3. Section 252.17 is amended to read:

§ 252.17 Distilled spirits or spirits.

"Distilled spirits" or "spirits" shall mean that substance known as ethyl alcohol, ethanol, or spirits of wine, including all dilutions and mixtures thereof, from whatever source or by whatever process produced, and shall include whisky, brandy, rum, gin, vodka, rectified spirits, cordials, liqueurs and similar compounds, and other rectified products prepared with distilled spirits and wines, except where otherwise indicated.

4. Section 252.24 is amended to read:

§ 252.24 Rectifier.

"Rectifier" shall mean the proprietor of an establishment qualified under the provisions of this chapter to engage in the business of rectifying spirits and wines.

5. Section 252.25 is amended to read:

§ 252.25 Rectifying plant.

"Rectifying plant" shall mean the rectifying and bottling facilities of an establishment qualified under the provisions of this chapter to rectify spirits or wines.

6. Section 252.29 is amended to read:

§ 252.29 Taxpaid bottling house.

"Taxpaid bottling house" shall mean the bottling facilities of an establishment qualified under the provisions of this chapter to bottle distilled spirits or distilled spirits and wines, after the tax is paid or determined, but not qualified for rectification.

7. Section 252.44 is amended to read:

§ 252.44 Bond procedure.

Insofar as such procedure is not inconsistent with the regulations in this part, drawback bonds, Form 1581 and Form 1581-A, shall be executed, filed, approved, disapproved, superseded, strengthened, and terminated in accordance with the procedure prescribed in this chapter in respect to bonds required of proprietors of distilled spirits plants (except that such drawback bonds shall be continuing bonds).

8. The headnote to Subpart D is amended to read:

Subpart D—Drawback on Distilled Spirits Exported in Packages Filled in Internal Revenue Bond

9. Section 252.135 is amended to read:

§ 252.135 Drawback authorized.

Distilled spirits on which all taxes have been paid may be exported, with the privilege of drawback, in casks or packages filled in internal revenue bond containing not less than 20 wine gallons each, on application of the exporter thereof to the collector of customs at any port of entry and after making such entry and complying with other conditions as prescribed in this subpart.

10. Section 252.137 is amended to read:

§ 252.137 Application and entry.

Any person desiring to export and claim drawback of the tax paid on distilled spirits in casks or packages filled in internal revenue bond shall, at least six hours prior to the time for inspecting and gauging such packages by customs officers and the lading thereof, present to the collector of customs for the port from which the exportation is to be made an application and entry (in triplicate) on Form 1629, with part 1 of the form executed. All the information required by part 1, as indicated by the lines and the headings of the columns, and the instructions printed on the form, shall be furnished.

§ 252.142 [Amendment]

11. Section 252.142 is amended by deleting the period at the end of the section and inserting in its place a colon, followed by the words "*Provided,* That if the exporter desires allowance of drawback under the provisions of § 252.41 on packages of distilled spirits filled in internal revenue bond which are not the distillers' original packages, he shall file on Form 1533, in triplicate, a consent of the surety on the bond required by § 252.42, extending the terms of the bond to cover the exportation of such packages."

12. New Subparts G and H are added, as follows:

Subpart G—Drawback on Wine Exported

§ 252.191 Drawback authorized.

Notwithstanding the provisions of Subpart C of this part, on the exportation of wines manufactured or produced in the United States on which an internal revenue tax has been paid or determined and contained in packages or unbroken cases filled on premises qualified under this chapter to package or bottle wines, there shall be allowed, subject to the provisions of this subpart, a drawback equal in amount to the tax found to have been paid or determined thereon.

§ 252.192 Persons authorized to remove wines for export or for use as supplies with benefit of drawback.

Only persons who have qualified under this chapter as proprietors of distilled spirits plants, bonded wine cellars, or taxpaid wine bottling houses, or persons who are wholesale liquor dealers as defined in section 5112 I.R.C. and who have paid the required tax as such a dealer, are authorized to remove wines for export or use as supplies on vessels or aircraft with benefit of drawback under the provisions of this subpart.

§ 252.193 Optional provisions.

Any eligible person who desires to follow the requirements and procedures prescribed in Subpart C of this part in lieu of those in this subpart, with respect to wines, may do so.

§ 252.194 Notice and claim, Form 1582–A.

Claim for allowance of drawback of internal revenue taxes on wines removed for export under the provisions of § 252.191 shall be prepared by the exporter on Form 1582–A, appropriately modified to omit references and entries applicable only to wines bottled or packaged especially for export.

§ 252.195 Certificate of tax determination, Form 2605.

Every claim for drawback of tax, under this subpart, on Form 1582–A shall be supported by a certificate, Form 2605, which shall be executed, in duplicate, (a) by the person who withdrew the wine from bond on tax determination, certifying that all taxes have been properly determined on such wine, or (b) where the wine was bottled or packaged after tax determination, by the person who did such bottling or packaging, certifying that the wines so bottled or packaged were received in taxpaid status and specifying from whom they were so received. The assistant regional commissioner may require other evidence of taxpayment whenever he deems it necessary. It shall be the responsibility of the exporter to secure Form 2605, properly executed, and to submit the original of such form to the assistant regional commissioner with whom the claim, Form 1582–A, is filed. The exporter shall retain the copy of Form 2605 for his files.

§ 252.196 Labeling of bottled wines.

Bottled wines to be exported with benefit of drawback under the provisions of this subpart shall be labeled in accordance with the provisions of § 252.59 or, in the case of wines previously labeled for domestic use with a label conforming to the provisions of 27 CFR Part 4, the bottles shall be marked for export. Such marking may consist of affixing to each bottle a neck label containing the words "For Export."

§ 252.197 Marking of cases and packages.

In addition to the marks and brands required by other provisions of this chapter to be placed thereon at the time of filling or removal from bond, each case or package removed for export under the provisions of this subpart shall have stenciled or otherwise marked thereon, in durable and legible letters and figures of not less than three-fourths of an inch in height, additional information as specified below:

(a) "Export—Drawback Claimed"—where the removal is for export from the United States, or for shipment to the armed services for export; or

(b) "Use on Vessels (or Aircraft)—Drawback Claimed"—where removal is for use on vessels or aircraft; and

(c) Where the wine is removed for deposit in a foreign-trade zone, in addition to and immediately following the markings prescribed in paragraph (a) of this section, the words "via F.T.Z. No." followed by the number of the zone.

§ 252.198 Consignment, shipment, and delivery.

The consignment, shipment, and delivery of wines removed for export with benefit of drawback, and the forwarding of claims and entry forms, under this subpart, shall be made under the applicable provisions of §§ 252.96 to 252.103 and §§ 252.105 to 252.111.

§ 252.199 Allowance of claims.

The provisions of Subpart C of this part, with respect to the filing of bonds, evidence of exportation (including bills of lading), landing certificates, proof of loss at sea, and applications for relief and extensions of time and actions thereon, and to the allowance of claims and crediting of bonds, are hereby made applicable to claims under the provisions of this subpart: *Provided,* That, if the exporter desires allowance of drawback on wines under this subpart and the provisions of §§ 252.41 and 252.42, he shall file on Form 1533, in triplicate, a consent of the surety on the required bond, extending the terms of the bond to cover the exportation of wines which have not been bottled or packaged especially for export.

Subpart H—Drawback on Spirits Bottled in Bond for Export and on Bottled Spirits Restamped and Marked Especially for Export

§ 252.201 General.

Spirits bottled in bond especially for export with benefit of drawback may, after payment or determination of the tax, be exported with benefit of drawback. Likewise, bottled spirits manufactured or produced in the United States (including spirits bottled in bond) originally bottled for domestic use, and spirits originally bottled in bond for exportation without payment of tax, that have not been removed from the distilled spirits plant where originally bottled, may be restamped and marked especially for export with benefit of drawback, by the proprietor of the plant, if he has established export storage and, after payment or determination of the tax, be exported with benefit of drawback, subject to the provisions of this part.

§ 252.202 Consent of surety.

Where the exporter desires allowance of drawback under the provisions of § 252.41 on spirits bottled in bond for export and on bottled spirits restamped and marked for export under the provisions of this subpart, he shall file on Form 1533, in triplicate, a consent of the surety on the bond required by § 252.42, extending the terms of his bond to cover the exportation of such spirits.

§ 252.203 Labels.

Bottled spirits, except spirits bottled in bond for export, to be exported with benefit of drawback under the provisions of this subpart shall be labeled in accordance with the provisions of § 252.58 or, in the case of spirits previously labeled for domestic use with a label conforming to the requirements of 27 CFR Part 5, the bottles shall be marked for export. Such marking may consist of affixing to each bottle a neck label containing the words "For Export". The provisions of Part 225 of this chapter in respect of labels and marks on spirits bottled in bond for export shall be applicable to such spirits to be exported with

benefit of drawback under the provisions of this part.

BOTTLED-IN-BOND SPIRITS TO BE RESTAMPED AND MARKED

§ 252.204 Other regulations made applicable.

Bottled-in-bond spirits to be restamped and marked for export shall be so restamped and marked (including marks on cases) as provided in Part 201 of this chapter. The procedures prescribed in Part 225 of this chapter in respect of restamping of bottled spirits shall be applicable to spirits to be restamped and marked under the provisions of this section, except that an extra copy of Form 1515 will be prepared and forwarded by the proprietor to the assistant regional commissioner on completion of the operation. For the purposes of this section, the overprinting of export stamps on spirits originally bottled in bond for export, as required in Part 201 of this chapter, shall also be deemed to be restamping.

OTHER DOMESTIC BOTTLED SPIRITS

§ 252.205 Restamping.

Spirits originally bottled for domestic use after payment or determination of tax shall be restamped for export with benefit of drawback by the use of export stamps as prescribed in § 252.55: *Provided,* That if the red strip stamps previously affixed on the bottles which are to be restamped can be legibly imprinted, by the use of a rubber stamp, with the word "EXPORT" in letters of the size type prescribed in § 252.55, in such a manner that the word will be imprinted on such stamps with permanent black ink in the position prescribed in § 252.55, then such rubber stamping of the previously affixed stamps will be deemed to be restamping for the purposes of this subpart.

§ 252.206 Marking of cases.

Each case of spirits restamped pursuant to § 252.205 shall be marked as prescribed in § 252.61.

§ 252.207 Use of Form 230.

When spirits originally bottled for domestic use after payment or determination of tax are to be restamped as authorized in § 252.205, the proprietor of the distilled spirits plant shall give notice thereof in Parts 1 and 2 of Form 230, in triplicate. The form shall be appropriately modified to show its purpose, and shall bear notations referring, by date and serial number, to the Form 230 or 237 pursuant to which the spirits were originally bottled. On completion of the restamping and marking operations, the proprietor shall sign Part 5 of the form and complete it by inserting therein, in lieu of a description of cases filled, a statement, as follows:

The cases of spirits described on the face of this form have been restamped and marked for export.

The strip stamp accounting in Part 5 of Form 230 shall be modified to report the number of export strip stamps used, as provided in § 252.55, or to show that the stamps affixed to the bottles have been overprinted with a rubber stamp as authorized in § 252.205. The proprietor shall hold such cases of restamped and remarked spirits pending inspection by the assigned internal revenue officer and will then deposit them in export storage. The removal to export storage, examination by the internal revenue officer, and disposition of Form 230 shall be in accordance with the applicable provisions of § 252.74.

§ 252.208 Procedures applicable.

Except as otherwise provided in this subpart, the provisions of Subpart C of this part relative to bonds, transfers and storage pending exportation, filing of notice and removal, shipment or delivery for export, procedures at port of export, disposition of claims, and proof of exportation shall apply to spirits restamped and marked for export with benefit of drawback, and to spirits bottled in bond for export with benefit of drawback, as provided in this subpart. When spirits bottled in bond are to be exported with benefit of drawback, the Forms 1582 and 1656 used for the procedures prescribed in Subpart C of this part shall be appropriately modified for the purpose of referring to the Form 1515 pursuant to which such spirits were bottled or restamped and the Form 1519 pursuant to which they were taxpaid.

[F.R. Doc. 59-5971; Filed, July 20, 1959; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER E—ORGANIZED RESERVES

PART 561—ARMY RESERVE

Enlistments

Sections 561.29 through 561.36 are revised to read as follows:

Sec.
561.29 General.
561.30 Periods of enlistment.
561.31 Age and consent requirements.
561.32 Citizenship and residence.
561.33 Educational requirements for women.
561.34 Dependents.
561.35 Members of Reserve components of other Armed Forces.
561.36 Ineligibility.

AUTHORITY: §§ 561.29 to 561.36 issued under sec. 280, 70A Stat. 14; 10 U.S.C. 280.

SOURCE: AR 140-111, January 20, 1959, including C 1, May 14, 1959.

§ 561.29 General.

(a) *Purpose.* The regulations of §§ 561.29 to 561.36 prescribe the standards and procedures for enlistment and reenlistment of individuals as Reserve enlisted members of the Army for assignment to, and service in, the Army Reserve, and, unless otherwise specified, apply equally to male and female personnel. The basic laws governing enlistments as Reserves of the Army for service in the Reserve components are in addition to Title 10, United States Code (and Title 32 for the National Guard of the United States), and Universal Military Training and Service Act, as amended, and the Armed Forces Reserve Act of 1952, as amended. The Universal Military Training and Service Act, hereinafter referred to as UMT&S Act, imposes service obligations on male persons under 26 years of age who initially enlist, are initially inducted, or initially appointed in any component of the Armed Forces. The Armed Forces Reserve Act of 1952, hereinafter referred to as AFRA, provides for enlistment of individuals as Reserve enlisted members of the Army for service in the Reserve components. The Reserve components of the Army are the National Guard of the United States and the Army Reserve (10 U.S.C. 261). Title 10, United States Code, section 270, imposes mandatory participation requirements on all members of the Ready Reserve of the Army Reserve who initially entered military service after August 9, 1955, under any provision of law except by reason of enlistment or appointment in the Army National Guard of the United States or the Air National Guard of the United States.

(b) *Responsibility and authority of area commander.* The area commander has the overall responsibility for the functions required to be performed under the provisions of the regulations of §§ 561.29 to 561.36. He also has the authority to effect their performance. He may delegate to commanders of US Army Corps (Reserve) or to other officers, authority for performance of any of these functions, except when such authority is specifically reserved by the regulations of §§ 561.29 to 561.36 to the area commander.

(c) *Meaning of terms used.* (1) Abbreviations used are as follows:

ACB—Army Classification Battery.
ACDUTRA—Active duty for training.
AFES—Armed Forces Examining Station.
AFQT—Armed Forces Qualification Test.
AFRA—Armed Forces Reserve Act of 1952, as amended.
AFWST—Armed Forces Women's Selection Test.
ARNGUS—Army National Guard of the United States.
EST—Enlistment Screening Test.
MST—Military Science Training.
RFA—Reserve Forces Act of 1955.
RMS—Recruiting main station.
ROTC—Reserve Officers Training Corps.
UMT&S ACT—Universal Military Training and Service Act.
USAR—Army Reserve.
WAC—Women's Army Corps.
WEST—Women's Enlistment Screening Test.

(2) For the purposes of the regulations of §§ 561.29 to 561.36 the following definitions apply:

(i) *Area commander.* The commanding general of a Z1 army or of an oversea command reporting direct to Headquarters, Department of the Army on reserve matters.

(ii) *Commander, United States Army Corps (Reserve) or Chief of military district.* Commanders subordinate to the area commander to whom authority may be delegated for performance of functions pertaining to the Army Reserve within a prescribed Corps area or State.

(iii) *Initial ACDUTRA.* A period of 3 to 6 months of active duty for training required by law of initial enlistees under 26 years of age.

(iv) *Initial enlistment.* Enlistment without prior service in any component of any of the Armed Forces including service performed as a cadet or midshipman at any of the service academies or under an appointment as a midshipman, Naval Reserve for training in USNROTC.

(v) *Reservist.* A reserve enlisted member of the Army, male or female, serving in the Army Reserve.

(vi) *Satisfactory participation.* (*a*) Attendance at and satisfactory participation in a minimum of 90 percent of the scheduled drills and training periods of the Ready Reserve unit to which assigned and performance of not less than 18 days active duty for training annually, or

(*b*) When authorized, performance of not to exceed 17 days active duty for training annually in lieu of (*a*) of this subdivision.

(ii) *United States.* The Continental United States, Alaska, Puerto Rico, Territory of Hawaii, and the U.S. possessions.

§ 561.30 Periods of enlistment.

All enlistments in force at the beginning of a war or such national emergency, hereafter declared by the Congress or entered into during the existence of war or such national emergency, which otherwise would expire, shall continue in force until 6 months after the termination of the war or national emergency, whichever is later, unless sooner terminated by the Secretary of the Army. Enlistments as reserves of the Army for service in the Army Reserve will be for periods as provided in this section.

(a) *Three-year period.* Women applicants and male applicants over 26 years of age, those not subject to induction under the UMT&S Act, and those who have a remaining service obligation of less than 3 whole years will be enlisted for 3 years.

(b) *Six-year period under title 10, United States Code, section 511(b).* Male individuals under 26 years of age who have not been ordered to report for induction into the Armed Forces, may be enlisted for 6 years under section 261, AFRA, for entry on a 2-year period of active duty within 120 days.

(c) *Six-year period—six months active duty for training program.* A male applicant without prior military service who has not attained age 26 may be enlisted for 6 years with agreement to enter on 6 months active duty for training within 120 days from date of enlistment and to participate satisfactorily in Ready Reserve units training during the entire period of his enlistment. The enlistee under this program who is successfully pursuing a course in high school may have entry on ACDUTRA delayed until graduation but not longer than 1 year.

(d) *Eight-year period under section 262, AFRA, as added by RFA.* (1) Until August 1, 1959, a male applicant who has not attained the age of 18 years and 6 months may be enlisted for 8 years under section 262, AFRA. Prior to signing the oath of enlistment he must understand that he will be required to perform an initial period of 6 months active duty for training and thereafter to participate satisfactorily in Reserve duty training for 3 years if at time of enlistment he is a high school student or if he enters on active duty for training while under age 18½. For the individual enlisted while satisfactorily pursuing a course in high school, entry on initial active duty for training shall be delayed until he ceases to pursue such course satisfactorily, graduates from such course, or attains the age 20 years, whichever first occurs. Enlistment more than one year prior to expected date of graduation is not authorized. For enlistees not in high school a delay of up to 120 days may be granted. Enlistees of this latter category who enter on active duty for training after attaining age 18½ must participate in Reserve unit training for 5½ years following completion of that training.

(2) Until August 1, 1959, male applicants over 18½ but under 26 years of age who are classified IA by Selective Service who possess critical skills and are engaged in civilian occupations in critical defense supporting industry or in a research activity affecting national defense, and who are selected by Selective Service authorities as eligible for enlistment under section 262, AFRA, as critically skilled personnel, may be enlisted for 8 years. They are required to enter upon a 3-month period of active duty for training within 120 days.

(e) *Periods to cover remaining obligation.* An applicant who is an obligated member of a Reserve component of another Armed Force and who is granted a conditional release for the purpose of enlisting for service in the Army Reserve, will, if otherwise eligible, be enlisted for a number of whole years which will cover the remainder of his existing service obligation, but in no case less than 3 years. His original service obligations under UMT&S Act and/or AFRA carries over to this enlistment. Service number prefix is ER.

(f) *Extension of enlistment of officer candidates.* When the enlistment period of a member of a Reserve component, designated as an officer candidate, will expire during the period of his attendance at OCS, the expiration date of his enlistment is extended to the time of completion of the course, or to such earlier time as his officer candidate status may be terminated.

§ 561.31 Age and consent requirements.

The general age limitations for initial enlistments are 17 to 34 years inclusive for men and 18 to 34 years inclusive for women. The limitations for specific programs are as shown in paragraph (c) of this section. All nonprior service applicants must furnish documentary evidence of birth and citizenship as required in paragraph (a) of this section. Male applicants under 18 and female applicants under 21 years of age must furnish documentary evidence of consent of parents as shown in paragraph (b) of this section.

(a) *Evidence of birth and citizenship.* Each nonprior service applicant for enlistment must submit documentary evidence of birth and/or United States citizenship. The following are acceptable: Birth certificate showing birth within the United States, its territories or possessions, naturalization certification (or proof of having filed legal declaration of intention to become a citizen). When the age of an applicant cannot be verified by a birth certificate, and the State Registrar of Vital Statistics or other similar State, Municipal, or Government official states that there is "no record" of birth of the individual, other documentary evidence as to age and citizenship may be accepted in the following sequence:

(1) Baptismal record or certified copy thereof.

(2) Sworn statement of one or both parents or legal guardian supported by:

(i) Notarized copy of the school record from the first school attended, showing date of birth or age at attendance; or

(ii) Certificate from the physician in attendance at birth. The documentary evidence of age and citizenship will be examined prior to completing items 15, 16, 19, 20, and 21 on DD Form 4. All documents submitted by applicant will be returned after appropriate entries have been made.

(b) *Parental consent.* A male applicant who has reached his 17th but not his 18th birthday, or a female applicant who has reached her 18th but not her 21st birthday, will be required to furnish written consent of his or her parents or guardian. If the applicant has neither parents nor guardian, a statement to that effect will be included under "Remarks" on DD Form 4. The written consent prepared on DD Form 373 (Consent, Declaration of Parent or Legal Guardian) will:

(1) Be signed by both parents, but the consent of one parent may be accepted if the other is absent for an extended period of time. If the parents are divorced, the consent of the parent having custody of the applicant is sufficient. In such cases, however, the divorced parent must furnish proof of custody. Enlistment is not authorized if either parent objects.

(2) Be signed in duplicate, and fastened securely to the original and duplicate copies of the enlistment record.

(c) *Ages for initial enlistment for specific programs.* (1) For enlistment under section 261 AFRA for 6 years including 2 years active duty, 17 to 25 years inclusive.

(2) For enlistment under section 262 AFRA for 8 years including 6 months active duty for training and 3 years satisfactory participation in Ready Reserve training following completion of initial ACDUTRA, 17 to 18½ years. For non-high school student enlistees under this authority who enter on active duty for training after reaching age 18½, the period of satisfactory participation required is 5½ years.

(3) For enlistment under section 262(b), AFRA (Critical Skills) for 8 years including 3 months active duty for training with the possibility of transfer to Standby Reserve upon completion of initial ACDUTRA, or of retention in Ready Reserve for remainder of enlistment period, 18½ to 25 years inclusive.

(4) For 6-year initial enlistment including 6 months ACDUTRA and 5½ years satisfactory participation in Ready Reserve training; 18½ to 25 years inclusive.

(5) For 3-year initial enlistment including 6 months ACDUTRA and 2½ years satisfactory participation in Ready Reserve training; 26 to 34 years inclusive.

(6) For special programs for female enlistees, age limitations are prescribed by the regulations to the particular program, e.g., AR 601–19.

(d) *Applicants with prior service.* The period of enlistment for prior service applicants is 3 years unless a greater period is required to complete an existing service obligation.

(1) *Through age 34.* Applicants with prior service in any of the Armed Forces of the United States may be enlisted or reenlisted through age 34, without regard to the amount of such prior service.

(2) *Age 35 through 54.* Enlistments or reenlistments are authorized for individuals 35 years of age and over, but less than 55 years of age, who have had a minimum of 3 years honorable service in the Armed Forces (at least 3 months of which must have been in the Army or Army Air Corps), provided their age at enlistment is not greater than 35 years plus the length of their prior honorable service on active duty or in an active Reserve status with such active participation in Reserve training as to have made the period creditable for retirement purposes. Count only such honorable service since 1 September 1943 for women. Except as provided in paragraph (f) of this section, a former member of the Air Force, Navy, Marine Corps, or Coast Guard, who has had no prior Army or Army Air Corps service, and who is 35 years of age or older, may not be enlisted as a Reserve enlisted member of the Army for service in the Army Reserve.

(e) *Applicants last honorably discharged.* Applicants last honorably discharged as enlisted personnel from the Regular Army, the Army Reserve, the National Guard of the United States, or as Reserve officers of the Army may be enlisted or reenlisted (for 3 years) as Reserves of the Army within 180 days after date of such discharge, without regard to the maximum age restrictions prescribed in this section, provided they are otherwise eligible except that:

(1) The applicant who is 55 years of age may be enlisted only:

(i) For his own vacancy,

(ii) On the day following discharge, and

(iii) If he will be able to complete 20 years of qualifying service for retirement purposes prior to attaining age 60.

(2) Officers removed from active status by reason of having attained maximum age or service are not eligible for enlistment under this authority.

(f) *Applicants with needed skills.* Exception to the foregoing age and prior service limitations may be made for applicants, possessing skills needed in the Army Reserve, who may be accepted for enlistment or reenlistment after reaching their 35th birthday and prior to reaching their 45th birthday when specifically authorized by the area commander. Men enlisted for service in an Army Reserve Band must meet the minimum requirements for members of a Regular Army band. An individual originally enlisted under the provisions of this paragraph will be reenlisted without special authorization, provided such reenlistment is accomplished within 90 days after discharge from a prior enlistment.

(g) *Individuals—on the Temporary Disability Retired List.* Enlisted individuals on Temporary Disability Retired List (TDRL) who have been found physically qualified for active duty may apply for and be enlisted in grade held at time of release from active duty and without regard to normal reenlistment qualification if enlistment is accomplished on day following removal of name from TDRL. If no suitable vacancy is available they may be enlisted for USAR Control Group (Reinforcement). Those individuals who have been removed from TDRL who later apply for enlistment must meet normal reenlistment requirements.

§ 561.32 Citizenship and residence.

Applicants must be citizens of the United States, its Territories or possessions, must have filed legal declaration of intention to become citizens of the United States, or must have had prior service in the Armed Forces of the United States. Each applicant must be a resident of, and must furnish a permanent home address within, the continental United States, its Territories, or possessions. In recognition of the Ready Reserve participation requirements under title 10, United States Code, section 270, and in order that enlistees may be able to participate satisfactorily in scheduled unit training, it is necessary to restrict enlistment to those qualified applicants who live or work within reasonable travel distance of the unit for which enlisted.

§ 561.33 Educational requirements for women.

(a) *Nonprior service.* Women without prior military service (including those whose only service has been in the WAAC) must possess a certificate of graduation from high school or must present substantiating data that they have successfully completed the high school level General Educational Development (GED) test. Recruiting personnel will not administer this test but will advise applicants to communicate with the Department of Education of the appropriate State for information concerning the GED test.

(b) *Prior service.* Women with prior military service must have completed a minimum of 2 years of high school or present substantiating data that they have successfully completed the high school level GED test.

§ 561.34 Dependents.

(a) Except as provided for especially skilled applicants, applicants with dependents, other than those who reenlist on the day following honorable discharge, are authorized to enlist only under the following conditions:

(1) Except for the Selective Service registrant under 26 years of age who is classified 1A and who may be enlisted for 6 years including 6 months active duty for training, if he attains a percentile score of 31 or higher on the AFQT, nonprior servicemen with not more than one dependent may enlist in grade E–1 provided they attain a percentile score of 65 or higher on the AFQT and are otherwise eligible.

(2) Prior servicemen with not more than 3 dependents who are otherwise eligible to enlist in grades E–1 through E–3 may be enlisted provided they attain a percentile score of 65 or higher on the AFQT. For men entitled to enlist or reenlist in grade E–4 or higher a percentile score of 31 or higher is required.

(3) Applicants who have 4 or more dependents may be enlisted or reenlisted only if entitled to enlist in grade E–4 or higher, and provided they execute a written statement that they will not request relief from order to active duty because of dependency.

(4) For applicants who do not meet all the requirements listed in this section, area commanders may grant waivers in exceptionally meritorious cases of persons with 6 or more years of honorable active service. This authority may be delegated to USAR Corps (Reserve) commanders or chiefs of military districts.

(b) Women who have any legal or other responsibility for the custody, control, care, maintenance, or support of any child or children, including stepchildren or foster children, under 18 years of age, will not be enlisted.

§ 561.35 Members of Reserve components of other Armed Forces.

Applicants who are members of Reserve components of other Armed Forces, and who have service obligations under title 10, United States Code, section 651, including those who are enrolled in or are applying for enrollment in Advanced Course, Senior Division, ROTC, may be enlisted as Reserves of the Army provided they meet current criteria for prior service applicants and provided:

(a) Their applications are submitted through, and approved by, officials of the losing Armed Force authorized to accept resignation or otherwise effect separations; or

(b) They submit a certificate, signed by an official of the losing Armed Force authorized to accept resignations or otherwise effect separation, that the applicants will be released from their current status if enlisted as Reserves of the Army (10 U.S.C. 512, 595).

§ 561.36 Ineligibility.

Standards of eligibility for enlistment or reenlistment—other than AFQT score for nonprior service individuals enlisting for the 6 months active duty for training programs—are the same as those for enlistment or reenlistment in the Regular Army.

(a) *Classes ineligible for enlistment or reenlistment unless waiver is granted.* Those individuals described in § 571.2(e) of this chapter as ineligible unless waiver is granted may not be enlisted or re-

enlisted as Reserves of the Army unless waiver is granted.

(b) *Classes ineligible for enlistment or reenlistment—no waivers granted.* (1) Those described in § 571.2(f) of this chapter as ineligible.

(2) Critical air transport personnel who have been denied Ready Reserve assignment by the Air Force are ineligible for enlistment. No waivers will be granted.

(3) Persons with military status except as shown in § 561.35.

(4) Officers removed from active status by reason of having attained maximum age or service or by reason of having twice failed to be selected for promotion.

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59-5942; Filed, July 20, 1959; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 33—METERED STAMPS

PART 45—CITY DELIVERY

Records Retention Periods, Postage Meter Manufacturers and Apartment House Managers

The proposed amendments to § 33.8 *Manufacture and distribution of postage meters,* and § 45.6 *Apartment house receptacles,* published in the FEDERAL REGISTER of February 4, 1959, at page 815 (24 F.R. 815) as Federal Register Document 59-943, notice of proposed rulemaking, are adopted as the regulations of the Post Office Department with the following changes:

Subdivision (x) in paragraph (e)(2) of § 33.8 is modified by striking out the sentence which authorized the records to be destroyed three years after the postage meter is scrapped. The subdivision is further modified to require a permanent record to be maintained by serial number of all meter keys.

The regulations, as adopted, read as follows:

In § 33.8 *Manufacture and distribution of postage meters* make the following changes in subparagraph (2) of paragraph (e):

1. Add the following sentence to subdivision (viii): "These records may be destroyed three years after the meter is scrapped.", so that the subdivision will read as follows:

(viii) Maintain at his headquarters a complete record by serial number of all meters manufactured, showing all movements of each from the time it is produced until it is scrapped, and the reading of the ascending register each time it is checked into or out of service through a post office. These records must be subject to inspection at any time during business hours by officials of the Post Office Department. These records may be destroyed three years after the meter is scrapped.

2. Add the following sentence to subdivision (x): "These records may be destroyed three years after the meter is scrapped.", so that the subdivision will read as follows:

(x) Maintain a permanent record by serial number of all meter keys issued to postmasters as well as those sections of the manufacturer's establishment in which their use is essential, preferably in the form of signed receipt cards.

NOTE: The corresponding Postal Manual sections are 143.852h and 143.852j.

(R.S. 161, as amended, 396, as amended; sec. 5, 41 Stat. 583, as amended; 5 U.S.C. 22, 369; 39 U.S.C. 273)

In § 45.6 *Apartment house receptacles* add the following sentence to subdivision (ii) of paragraph (b)(3): "The record of key numbers must be kept until the lock has been changed when it may be destroyed." The record of combinations to the keyless locks must be maintained until the combination is changed, when it may be destroyed.", so that the subdivision will read as follows:

(ii) Apartment house managers must maintain a record of the number of keys supplied by manufacturers and jobbers, relating the key number to the receptacle number, so that, when necessary, new keys may be ordered. Key numbers shall not be placed on the barrels of the locks, as this would make it possible for unauthorized persons to secure keys and gain access to the boxes. Apartment house managers must keep a record of the combinations of keyless locks so that new tenants may be given the combination. These records of key numbers and combinations must be kept in the custody of the manager or a trusted employee. The record of key numbers must be kept until the lock has been changed when it may be destroyed. The record of combinations to the keyless locks must be maintained until the combination is changed, when it may be destroyed.

NOTE: The corresponding Postal Manual section is 155.623b.

(R.S. 161, as amended, 396, as amended; 3868; sec. 1, 24 Stat. 355, sec. 1, 24 Stat. 569, as amended; 5 U.S.C. 22, 369; 39 U.S.C. 151, 155, 156)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 59-5995; Filed, July 20, 1959; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1899]

[Colorado 022844]

COLORADO

Withdrawing Lands Near Gunnison for Use of Federal Aviation Agency as an Air Navigation Site

By virtue of the authority vested in the Secretary of the Interior by section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Colorado are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, but not disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Federal Aviation Agency for a VORTAC Air Navigation facility:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 48 N., R. 1½ W.,
Sec. 1, S. 15 chains of lot 4, NW¼NW¼, and N½SW¼NW¼;
Sec. 2, S. 15 chains of lot 1, lot 2, and N. 10 chains of lot 3.
T. 48 N., R. 2 W.,
Sec. 1, SE¼ of lot 8, E½ of lot 9, and NE¼ of lot 16.

The areas described aggregate 188.21 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 14, 1959.

[F.R. Doc. 59-5948; Filed, July 20, 1959; 8:46 a.m.]

[Public Land Order 1900]

[1406375]

NEW MEXICO

Air Navigation Site Withdrawal No. 51, Reduced

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 728; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of February 3, 1931, reserving lands for use by the Department of Commerce in the maintenance of air navigation facilities, is hereby revoked so far as it affects the following-described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 28 S., R. 4 W.,
Sec. 35, SW¼SW¼ (Lot 7).
T. 27 S., R. 18 W.,
Sec. 30, NE¼SW¼SE¼, N½NW¼SW¼SE¼, SW¼NW¼SW¼SE¼, and S½SW¼SE¼.

The areas described aggregate 75.75 acres.

2. The lands are located in the southwestern part of the State. The topography is rolling and undulating, the soils are sandy and rocky, and the vegetation consists of grama grass, tobosa, and some brush.

3. No applications for the lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

The State of New Mexico has waived the preference right of application afforded it by subsection (b) of section 2

of the Act of August 27, 1958 (Public Law 85–771).

4. Subject to any existing rights and the requirements of applicable law, the lands described are hereby opened to filing of applications, selections, and locations, in accordance with the following:

a. Applications and selections under the non-mineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284 as amended), presented prior to 10:00 a.m. on August 19, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on November 18, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. Persons claiming veterans' preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a.m. on November 18, 1959. Such locations made prior to that date and hour are invalid.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 14, 1959.

[F.R. Doc. 59–5949; Filed, July 20, 1959; 8:46 a.m.]

[Public Land Order 1901]

[Colorado 022828]

COLORADO

Withdrawing Public Lands in Pike National Forest for Use of Forest Service as Administrative Sites

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described public lands within the Pike National Forest, Colorado, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites:

SIXTH PRINCIPAL MERIDIAN

MOUNT HERMAN NURSERY (ADDITION)

T. 11 S., R. 67 W.,
Sec. 20, SW¼NE¼, SE¼NW¼, NE¼SW¼ NW¼, S½NE¼NE¼SW¼, N½SE¼NE¼ SW¼, and N½SE¼.
Totaling 180 acres.

WOODLAND PARK ADMINISTRATIVE SITE

T. 12 S., R. 68 W.,
Sec. 7, lots 8, 10, 11, 12, and N½ of lot 6.
Totaling 86.88 acres.

INDIAN CREEK ADMINISTRATIVE SITE (ADDITION)

T. 8 S., R. 69 W.,
Sec. 3, S½SW¼SE¼ (S½ of lot 19).
Totaling 20 acres.

DEVILS HEAD LOOKOUT

T. 9 S., R. 69 W.,
Sec. 22, NW¼NE¼.
Totaling 40 acres.

LAKE GEORGE ADMINISTRATIVE SITE (ADDITION)

T. 12 S., R. 71 W.,
Sec. 28, S½SW¼NW¼, and S½N½SW¼ NW¼;
Sec. 29, SW¼NE¼NE¼, S½NW¼NE¼, N½SW¼NE¼, and N½S½SW¼NE¼.
Totaling 90 acres.

JEFFERSON CREEK ADMINISTRATIVE SITE

T. 7 S., R. 76 W.,
Sec. 23, NW¼NE¼.
Totaling 40 acres.

The areas aggregate 456.88 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 14, 1959.

[F.R. Doc. 59–5950; Filed, July 20, 1959; 8:46 a.m.]

[Public Land Order 1902]

[New Mexico 051955]

NEW MEXICO

Reserving Lands Near Carson National Forest for Use of Forest Service as a District Ranger Headquarters

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in New Mexico are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws, nor the disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as an administrative site for a district ranger headquarters in connection with administration of the Carson National Forest:

NEW MEXICO PRINCIPAL MERIDIAN

BLANCO ADMINISTRATIVE SITE

T. 29 N., R. 9 W.,
Sec. 17, SW¼NE¼.

The area described contains 40 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 15, 1959.

[F.R. Doc. 59–5951; Filed, July 20, 1959; 8:46 a.m.]

[Public Land Order 1903]

[Montana 027833]

MONTANA

Partially Revoking Departmental Order of January 7, 1938 (Buffalo Rapids Project)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental order of January 7, 1938, which withdrew lands in Montana for reclamation purposes in the first form, in connection with the Buffalo Rapids Project, is hereby revoked so far as it affects the following-described lands:

PRINCIPAL MERIDIAN

T. 13 N., R. 53 E.,
Sec. 8, E½NE¼.
T. 14 N., R. 55 E.,
Sec. 8, lot 8.

The areas described contain 105.91 acres.

2. The State of Montana has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

3. The tract in T. 13 N., R. 53 E., is located approximately 20 miles southwest of Glendive, Montana, and is traversed by U.S. Highway No. 10 in the southeast corner. The topography is gently rolling to rough and it supports a

vegetative cover of native grasses. The tract in T. 14 N., R. 55 E., comprises a part of two islands in the Yellowstone River and is located approximately 9 miles southwest of Glendive, Montana. It supports a vegetative cover of cottonwoods, willows, rose, rye and bluegrass. The tract is subject to flooding. Both tracts are located in Dawson County.

4. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284 as amended), presented prior to 10:00 a.m. on August 20, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on November 19, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. Lot 8 of sec. 8, T. 14 N., R. 55 E., is within Petroleum Reserve No. 43, Montana No. 3, created by Executive order of January 11, 1916. It has been open to applications and offers under the mineral leasing laws. It will be open to locations under the United States Mining Laws in accordance with the act of August 13, 1954 (68 Stat. 708; 30 U.S.C. 521) at 10:00 a.m. on November 19, 1959. Any patent for lot 8 under the nonmineral public land laws shall contain the mineral reservation required by the act of July 17, 1914 (38 Stat. 509; 30 U.S.C. 121).

6. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 15, 1959.

[F.R. Doc. 59-5952; Filed, July 20, 1959; 8:46 a.m.]

[Public Land Order 1904]

[Wyoming 1661830]

WYOMING

Partially Revoking Reclamation Withdrawal of July 18, 1940, Eden Project

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

The departmental order of July 18, 1940, so far as said order withdrew the following-described lands for reclamation purposes in connection with the Eden Project, Wyoming, is hereby revoked:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 27 N., R. 106 W.,
Sec. 16, SW¼;
Sec. 34, E½NE¼;
Sec. 35, W½NW¼;
Sec. 36, NE¼NE¼, SE¼NW¼NE¼, S½ NE¼, E½SE¼NW¼, NE¼SW¼, S½ NW¼SW¼, S½SW¼, and SE¼.

The areas described aggregate 770 acres.

The lands are State or privately owned lands.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 15, 1959.

[F.R. Doc. 59-5953; Filed, July 20, 1959; 8:46 a.m.]

[Public Land Order 1905]

NEVADA

Withdrawing Lands for Use of Federal Aviation Agency for Air Navigation Facilities

By virtue of the authority vested in the Secretary of the Interior by section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Nevada are hereby withdrawn from all forms of appropriation under the public-land laws including the mining and mineral leasing laws but not disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved for use of the Federal Aviation Agency for air navigation facilities:

MOUNT DIABLO MERIDIAN

[Nevada 045905]

T. 8 N., R. 35 E.,
Sec. 12, SE¼.
(160 acres.)

[Nevada 045161]

T. 2 N., R. 44 E.,
Sec. 15, SE¼NW¼, S½NE¼NW¼, S½N½ NE¼NW¼, E½SW¼NW¼, E½W½SW¼ NW¼, SE¼NW¼NW¼, E½SW¼NW¼ NW¼, S½NE¼NW¼NW¼, and SE¼ NW¼NW¼NW¼.
(122.5 acres.)

[Nevada 043493]

T. 33 N., R. 55 E.,
Sec. 10, NE¼NW¼SE¼.
(10 acres.)

The areas described aggregate 292.5 acres.

This order shall take precedence over but not otherwise affect the departmental order of March 6, 1910, which established Stock Driveway Withdrawal No. 62, Nevada No. 11.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 15, 1959.

[F.R. Doc. 59-5954; Filed, July 20, 1959; 8:46 a.m.]

[Public Land Order 1906]

[Idaho 09451]

IDAHO

Withdrawing Lands for Use of Bureau of Reclamation in Connection With Anderson Ranch and Dam Reservoir (Boise Project)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416) it is ordered as follows:

Subject to valid existing rights, the following-described lands in Idaho are hereby withdrawn in the first form from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws and reserved for use of the Bureau of Reclamation, Department of the Interior, in connection with the Anderson Ranch and Dam Reservoir;

BOISE MERIDIAN

T. 1 N., R. 9 E.,
Sec. 26, SW¼NW¼.
Sec. 29, N½NE¼.
T. 1 N., R. 10 E.,
Sec. 19, lots 1, 2, and N½NE¼.

The areas described contained 267.75 acres.

This order shall be subject to the existing withdrawal for power purposes so far as it affects any of the above-described lands, and shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 15, 1959.

[F.R. Doc. 59-5955; Filed, July 20, 1959; 8:47 a.m.]

[Public Land Order 1907]

[62449]

CALIFORNIA

Partially Revoking Departmental Orders of February 26 and 27, 1952 (Central Valley Project)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of February 26 and 27, 1952, which withdrew lands in California for reclamation purposes in the first form in connection with the Central Valley Project, are hereby revoked so far as they affect the following-described lands:

MOUNT DIABLO MERIDIAN

T. 18 N., R. 6 E.,
Sec. 4, lots 5 and 7.
T. 19 N., R. 6 E.,
Sec. 33, NE¼ and W½SE¼.
T. 13 S., R. 24 E.,
Sec. 9, NE¼SW¼.

The areas described aggregate 335.93 acres.

2. The State of California has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

3. The lands in T. 19 N., R. 6 E., are patented and those in T. 13 S., R. 24 E., are withdrawn in Power Site Reserve No. 322.

4. The remaining lands in section 4 are in extreme Western Yuba County, are drained by South Honcut Creek, and are rough and mountainous.

5. No application for the lands may be allowed under the homestead, desertland, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

6. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1)) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284 as amended), presented prior to 10:00 a.m. on August 20, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on November 19, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a.m. on November 19, 1959, those in power withdrawals being so opened subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

7. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 15, 1959.

[F.R. Doc. 59-5956; Filed, July 20, 1959; 8:47 a.m.]

[Public Land Order 1908]

[Colorado 026555]

COLORADO

Revoking Stock Driveway Withdrawal No. 172, Colorado No. 17

By virtue of the authority vested in the Secretary of the Interior by section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The Departmental order of August 9, 1924, which withdrew the following-described lands in Colorado as Stock Driveway Withdrawal No. 172, Colorado No. 17, is hereby revoked:

SIXTH PRINCIPAL MERIDIAN

T. 11 N., R. 95 W.,
Secs. 5 and 6.
T. 12 N., R. 95 W.,
Sec. 30, E½;
Sec. 31, E½.

The areas described aggregate approximately 1,920 acres, of which the S½SE¼, section 5, and the SE¼ and E½SW¼, section 6 have been patented, or are State-owned.

2. The State of Colorado has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

3. The lands are located 55 miles northwest of Craig, Colorado, in Moffat County, and about three miles south of the boundary common to the States of Colorado and Wyoming. The topography of the lands is generally rolling to rough and steep. Soils consist of a clay loam with some sand intermixed in the surface. Sagebrush, grasses and various forbs comprise the vegetation.

4. No application for the lands may be allowed under the homestead, desertland, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications

presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284 as amended), presented prior to 10:00 a.m. on August 20, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on November 19, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to location under the United States mining laws, and to applications and offers under the mineral-leasing laws.

6. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 15, 1959.

[F.R. Doc. 59-5957; Filed, July 20, 1959; 8:47 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 59-27]

RULES OF THE ROAD AND PILOT RULES

Publication in Pamphlet or Placard Form

This document is to give public notice with respect to:

1. Availability of revised "Rules of the Road" pamphlets dated May 1, 1959, which supersede previous editions of similar pamphlets.

2. Discontinuance of certain placard forms containing regulatory "Pilot Rules," except for the Great Lakes.

3. Statutory requirements that vessels shall have and keep on board available for ready reference, where practicable, copies of the applicable "Rules of the Road" pamphlets.

4. Required changes in the vessel inspection regulations in 46 CFR Chapter I dealing with "Pilot Rules" and to prescribe necessary changes in language so as to substitute "Rules of the Road" for "Pilot Rules."

With respect to availability of current Coast Guard pamphlets, the 3 Coast Guard pamphlets containing the statutory and regulatory "Rules of the Road" were revised and brought up-to-date with an edition date of May 1, 1959, and the titles (but not the identification numbers) were revised as follows:

CG–169—Rules of the Road—International—Inland.
CG–172—Rules of the Road—Great Lakes.
CG–184—Rules of the Road—Western Rivers.

The pamphlets bearing the same identification numbers but different titles and edition dates prior to May 1, 1959, are not up to date and are superseded by the above described pamphlets dated May 1, 1959. The previous pamphlets were entitled:

CG–169—Rules To Prevent Collisions of Vessels and Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico (edition dated April 1, 1958, and all prior editions).
CG–172—Pilot Rules for the Great Lakes and Their Connecting and Tributary Waters (edition dated April 1, 1958, and all prior editions).
CG–184—Pilot Rules for the Western Rivers (edition dated July 1, 1957, and all prior editions).

It is desired that wide publicity be given to the availability and use of these latest pamphlets regarding "Rules of the Road," which may be obtained upon request from local Coast Guard Officers in Charge, Marine Inspection, situated in the major ports in the United States, or from the Commandant (CHS), U.S. Coast Guard, Washington 25, D.C.

With respect to placard forms containing regulatory "Pilot Rules," it is no longer necessary that certain placards be distributed and posted on vessels and craft navigating certain inland waters and the western rivers. These placard forms, which will no longer be printed and will no longer be required to be kept posted by the Coast Guard, are:

CG–803—Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and Coast of the Gulf of Mexico (all edition dates).
CG–804a—Rules for lights for Barges, Canal Boats, Scows and Other Vessels of Nondescript Type Not Otherwise Provided for When Being Towed (all edition dates).
CG–805—Pilot Rules for the Western Rivers and the Red River of the North (all edition dates).
CG–3018—General Regulations of the Corps of Engineers, Department of the Army, and the United States Coast Guard (all edition dates).

NOTE: This action does not change requirements of the Corps of Engineers which still requires its General Regulations to be posted on specified vessels navigating the Great Lakes.

In this regard, however, it should also be noted that the Act of August 14, 1958, did not alter the provisions in section 3 of the Act of February 8, 1895, as amended (33 U.S.C. 243), with respect to placards quoting portions of the regulatory "Pilot Rules" for the Great Lakes. Therefore, all steam vessels over 65 feet in length when navigating on the Great Lakes must continue to keep posted in conspicuous places 2 copies of placard form CG–807, entitled "Pilot Rules for the Great Lakes and Their Connecting and Tributary Waters." Since this placard is a copy of the same regulatory "Pilot Rules" which are in the revised pamphlet "Rules of the Road—Great Lakes" (CG–172), it is not considered necessary to reprint this placard or revise its title at this time.

With respect to statutory requirements for vessels to keep (where practicable) applicable "Rules of the Road" pamphlets on board available for ready reference, it should be noted that one of the purposes of the Act of August 14, 1958 (Pub. Law 85–656; S. 3951), was described in Senate Report No. 1842 (bottom page 3 and top page 4) to accompany S. 3951, in this manner:

> The bill would also amend section 2(a) of the act of June 7, 1897, as amended, and section 4233A(a) of the Revised Statutes by deleting from each the requirement that "two printed copies of such rules shall be furnished to all vessels and craft mentioned in this subsection, which rules shall, where practicable, be kept posted up in conspicuous places thereon," and substituting the provision that "a pamphlet containing such act and regulations shall be furnished to all vessels and craft subject to this act. On vessels and craft over 65 feet in length the pamphlet shall, where practicable, be kept on board and available for ready reference." The existing provision requires that only the rules be kept on board (i.e., posted). It is essential that the statutory rules also be kept on board. The Coast Guard now publishes the statutory and regulatory rules together in a pamphlet. The requirement that the rules be posted is not necessary. It is only necessary that the rules be handy in pamphlet form for ready reference, where practicable. Moreover, the existing requirement applies only to vessels and craft mentioned in the subsection. There are many other vessels that should be required to carry the rules pamphlet, where practicable. The proposed amending language reflects the foregoing considerations.

The statutory changes as a result of the Act of August 14, 1958, became effective on that date. It is the policy of the Commandant that the Coast Guard make every effort to publicize such important changes to owners and operators of vessels. The Coast Guard has available as indicated above the required pamphlets containing the "Rules of the Road," so that every vessel can have on board and readily available for use the current edition of the applicable pamphlet.

Attention is invited to the fact that failure to have the required "Rules of the Road" pamphlet on board and readily available (where practicable) on vessels and craft over 65 feet in length while on the inland waters and western rivers, or 2 copies of the placard form CG–807 while on the Great Lakes, may

be grounds for assessment of a $500 penalty against such vessels or craft.

Finally, with respect to required changes in the vessel inspection regulations in 46 CFR Chapter I, the detailed amendments set forth in this document are editorial and in general accomplish the following:

a. Substitute the phrase "Rules of the Road" for "Pilot Rules."

b. When necessary also indicate whether the "Rules of the Road" are "International," "Inland," "Great Lakes," or "Western Rivers."

c. When necessary revise regulations to show that "Rules of the Road" include both statutory and regulatory requirements.

d. When necessary delete navigation requirements from regulations which paraphrase statutory "Rules of the Road."

e. Revise and bring up-to-date informational regulations regarding Coast Guard pamphlets or forms.

Because the regulations in this document are editorial in nature or based on statutory changes contained in the Act of August 14, 1958, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is deemed to be unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-9, dated August 3, 1954 (19 F.R. 5915), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 7605), to promulgate regulations in accordance with the statutes cited with the regulations below, the following regulations are prescribed and shall become effective upon the date of publication of this document in the FEDERAL REGISTER:

SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

PART 2—VESSEL INSPECTIONS

Subpart 2.20—Reports and Forms

1. Section 2.20-1 is amended by canceling paragraphs (c), (d), (e), and (j), and by revising and redesignating paragraphs (f), (g), (h), (i), and (k) to (c), (d), (e), (f), and (g), respectively, so that such paragraphs read as follows:

§ 2.20-1 Forms.

* * * * *

(c) *CG-807.* This form "Pilot Rules for the Great Lakes and Their Connecting and Tributary Waters" is required by 33 U.S.C. 243 and 33 CFR 90.15.

(d) *CG-809.* This form "Station Bills, Drills and Reports of Masters" is required by §§ 35.10-5, 78.17-50(f), and 97.15-35(d) of this chapter.

(e) *CG-810.* This form "Duties of Mates of Inland Steam Vessels" is required by § 157.35-5 of this chapter.

(f) *CG-811.* This form "Instructions for the Use of the Gun and Rocket Apparatus for Saving Life from Shipwreck as Practiced by the United States Coast Guard" is required by §§ 35.10-10, 78.53-5, 97.43-5, and 167.65-50 of this chapter.

(g) *CG-3256.* This form "Atomic Attack Instructions for Merchant Vessels in Port" is required by 33 CFR 122.10.

2. Subpart 2.20 is amended by inserting after § 2.20-1 a new § 2.20-5 reading as follows:

§ 2.20-5 Rules of the Road pamphlets.

(a) *Required to be carried aboard.* Statutes and regulations require that current editions of applicable Coast Guard pamphlets containing Rules of the Road shall, where practicable, be carried on board and maintained for ready reference on all vessels and craft over 65 feet in length while navigating within the certain waters as described in law or regulation. The titles indicate the waters on which generally applicable. These pamphlets may be obtained from any Marine Inspection Office. The Coast Guard pamphlet identification numbers and the statutes or regulations which require that they be carried on board certain vessels or craft over 65 feet in length are described in succeeding paragraphs in this section.

(b) *CG-169.* This pamphlet "Rules of the Road—International—Inland" is required by 33 U.S.C. 157 and 33 CFR 80.13(b) to be carried and available for ready reference, where practicable, on vessels navigating the harbors, rivers, and inland waters of the United States except the Great Lakes and their connecting and tributary waters as far east as Montreal, the Red River of the North, the Mississippi River and its tributaries above Huey P. Long Bridge, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway.

(c) *CG-172.* Two copies of this pamphlet "Rules of the Road—Great Lakes" are required by 33 CFR 90.15(b) to be kept on board, and where practicable, one copy thereof shall be kept conspicuously posted on steam and other motor vessels of not more than 10 gross tons navigating the Great Lakes and their connecting and tributary waters.

(d) *CG-184.* This pamphlet "Rules of the Road—Western Rivers" is required by 33 U.S.C. 353 and 33 CFR 95.23 to be carried and available for ready reference, where practicable, on vessels navigating the Red River of the North, the Mississippi River and its tributaries above Huey P. Long Bridge, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917; 33 CFR, 1952 Supp.)

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

Subpart 10.02—General Requirements for All Deck and Engineer Officers' Licenses

§ 10.02-21 [Amendment]

1. Section 10.02-21 is amended by changing in the headnote the phrase "pilot rules" to "Rules of the Road," and by deleting the phrase "and the Pilot Rules" from the first sentence.

Subpart 10.05—Professional Requirements for Deck Officers' Licenses (Inspected Vessels)

2. Section 10.05-43(a)(1) is amended to read as follows:

§ 10.05-43 Examination for license as pilot.

(a) * * *

(1) Rules of the Road.

3. Section 10.05-47(a)(1) is amended to read as follows:

§ 10.05-47 Examination for license as master of Great Lakes steam and motor vessels.

(a) * * *

(1) Rules of the Road.

4. Section 10.05-49(a)(1) is amended to read as follows:

§ 10.05-49 Examination for license as master of bays, sounds, and lakes other than the Great Lakes steam and motor vessels.

(a) * * *

(1) Rules of the Road applicable to the waters desired.

5. Section 10.05-51(a)(1) is amended to read as follows:

§ 10.05-51 Examination for license as master of river steam or motor vessels.

(a) * * *

(1) Rules of the Road.

§ 10.05-55 [Amendment]

6. Section 10.05-55 is amended by changing in the second sentence the phrase "Pilot Rules" to "Rules of the Road."

Subpart 10.20—Motorboat Operators Licenses

§ 10.20-3 [Amendment]

7. Section 10.20-3(a)(2) is amended by changing the phrase "pilot rules" to "Rules of the Road."

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

SUBCHAPTER C—UNINSPECTED VESSELS

PART 24—GENERAL PROVISIONS

Subpart 24.10—Definition of Terms Used in This Subchapter

Section 24.10–25 is amended to read as follows:

§ 24.10–25 Rules of the Road.

(a) The term "Rules of the Road" means the statutory and regulatory rules governing navigation of vessels. These rules are also published by the Coast Guard in pamphlet form as follows:

(1) Rules of the Road—International—Inland (CG–169).

(2) Rules of the Road—Great Lakes (CG–172).

(3) Rules of the Road—Western Rivers (CG–184).

(b) The current editions of the "Rules of the Road" pamphlets may be obtained from any Marine Inspection Office.

PART 25—REQUIREMENTS

Subpart 25.05—Navigation Lights and Shapes

1. Section 25.05–1 is amended to read as follows:

§ 25.05–1 Vessels other than motorboats.

(a) All vessels other than motorboats shall be equipped with navigation lights and shapes as prescribed by law and regulation.

2. Section 25.05–5 is amended to read as follows:

§ 25.05–5 Motorboats.

(a) All motorboats shall be equipped with navigation lights and shapes as prescribed by law and regulation.

§ 25.05–10 [Cancellation]

3. Section 25.05–10 *Motorboats operating on the navigable waters of the United States* is canceled.

Subpart 25.10—Whistles

§ 25.10–1 [Amendment]

4. Section 25.10–1(a) is amended by changing the phrase "Pilot Rules" to "Rules of the Road."

Subpart 25.20—Fog Sound Signal Devices

§ 25.20–1 [Amendment]

5. Section 25.20–1(a) is amended by changing the phrase "Pilot Rules" to "Rules of the Road."

(R.S. 4405, as amended, 4462, as amended; sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 416, 526p)

PART 26—OPERATIONS

Subpart 26.05—Penalties

§ 26.05–1 [Amendment]

Section 26.05–1(a) is amended by changing the phrase "Motorboat Act of April 25, 1940, as amended (54 Stat. 163–167; 46 U.S.C. 526–526t)" to "Act of April 25, 1940, as amended (54 Stat. 163–167, as amended; 46 U.S.C. 526–526u)."

(R.S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 416, 526p)

SUBCHAPTER D—TANK VESSELS

PART 30—GENERAL PROVISIONS

Subpart 30.10—Definitions

§ 30.10–53 [Cancellation]

1. Section 30.10–53 *Pilot rules—TB/ALL* is canceled.

2. Subpart 30.10 is amended by inserting after § 30.10–61 a new § 30.10–62 reading as follows:

§ 30.10–62 Rules of the Road—TB/ALL.

(a) The term "Rules of the Road" means the statutory and regulatory rules governing navigation of vessels. These rules are also published by the Coast Guard in pamphlet form as follows:

(1) Rules of the Road—International—Inland (CG–169).

(2) Rules of the Road—Great Lakes (CG–172).

(3) Rules of the Road—Western Rivers (CG–184).

(b) The current editions of the "Rules of the Road" pamphlets may be obtained from any Marine Inspection Office.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416)

SUBCHAPTER H—PASSENGER VESSELS

PART 70—GENERAL PROVISIONS

Subpart 70.10—Definition of Terms Used in This Subchapter

§ 70.10–27 [Amendment]

1. Section 70.10–27, 3d sentence, is amended by changing the phrase "Motorboat Act of April 25, 1940, as amended (secs. 1 to 21, 54 Stat. 163–167, 46 U.S.C. 526–526t)" to "Act of April 25, 1940, as amended (secs. 1 to 22, 54 Stat. 163–167, as amended; 46 U.S.C. 526–526u)."

2. Section 70.10–37 is amended to read as follows:

§ 70.10–37 Rules of the Road.

(a) The term "Rules of the Road" means the statutory and regulatory rules governing navigation of vessels. These rules are also published by the Coast Guard in pamphlet form as follows:

(1) Rules of the Road—International—Inland (CG–169).

(2) Rules of the Road—Great Lakes (CG–172).

(3) Rules of the Road—Western Rivers (CG–184).

(b) The current editions of the "Rules of the Road" pamphlets may be obtained from any Marine Inspection Office.

3. Section 70.10–47 is amended to read as follows:

§ 70.10–47 Western rivers.

For the purposes of this subchapter, the term "western rivers" is as defined in CG–184, "Rules of the Road—Western Rivers."

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

PART 77—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

Subpart 77.17—Navigation Lights and Shapes

1. Section 77.17–1(a) is amended to read as follows:

§ 77.17–1 When required.

(a) All vessels shall be equipped with navigation lights and shapes as prescribed by law and regulation.

Subpart 77.20—Whistles

§ 77.20–1 [Amendment]

2. Section 77.20–1(a) is amended by changing the phrase "pilot rules" to "Rules of the Road."

Subpart 77.23—Fog Horns

§ 77.23–1 [Amendment]

3. Section 77.23–1(a) is amended by changing the phrase "pilot rules" to "Rules of the Road."

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 90—GENERAL PROVISIONS

Subpart 90.10—Definition of Terms Used in This Subchapter

§ 90.10–23 [Amendment]

1. Section 90.10–23, 3d sentence, is amended by changing the phrase "Motorboat Act of April 25, 1940, as amended (secs. 1 to 21, 54 Stat. 163–167, 46 U.S.C. 526–526t)" to "Act of April 25, 1940, as amended (secs. 1 to 22, 54 Stat. 163–167, as amended, 46 U.S.C. 526–526u)."

2. Section 90.10–31 is amended to read as follows:

§ 90.10–31 Rules of the Road.

(a) The term "Rules of the Road" means the statutory and regulatory rules governing navigation of vessels. These rules are also published by the Coast Guard in pamphlet form as follows:

(1) Rules of the Road—International—Inland (CG–169).

(2) Rules of the Road—Great Lakes (CG–172).

(3) Rules of the Road—Western Rivers (CG–184).

(b) The current editions of the "Rules of the Road" pamphlets may be obtained from any Marine Inspection Office.

3. Section 90.10–39 is amended to read as follows:

§ 90.10–39 Western rivers.

For the purpose of this subchapter, the term "western rivers" is as defined in CG–184, "Rules of the Road—Western Rivers."

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

PART 96—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

Subpart 96.17—Navigation Lights and Shapes

1. Section 96.17–1(a) is amended to read as follows:

§ 96.17–1 When required.

(a) All vessels and motorboats shall be equipped with navigation lights and shapes as prescribed by law and regulation.

§ 96.17–5 [Cancellation]

2. Section 96.17–5 *Motorboats operating on the high seas* is cancelled.

§ 96.17–10 [Cancellation]

3. Section 96.17–10 *Motorboats operating on the navigable waters of the United States* is canceled.

Subpart 96.20—Whistles

§ 96.20–1 [Amendment]

4. Section 96.20–1(a), 1st sentence, is amended by changing the phrase "Pilot Rules" to "Rules of the Road."

Subpart 96.23—Fog Horns

§ 96.23–1 [Amendment]

5. Section 96.23–1(a), 1st sentence, is amended by changing the phrase "Pilot Rules" to "Rules of the Road."

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

SUBCHAPTER J—ELECTRICAL ENGINEERING

PART 110—GENERAL PROVISIONS

Subpart 110.15—Definition of Terms Used in This Subchapter

§ 110.15–125 [Amendment]

1. Section 110.15–125, 3d sentence, is amended by changing the phrase "Motorboat Act of April 25, 1940, 46 U.S.C. 526–526t" to "Act of April 25, 1940, as amended (secs. 1 to 22, 54 Stat. 163–167, as amended, 46 U.S.C. 526–526u)."

§ 110.15–150 [Cancellation]

2. Section 110.15–150 *Pilot rules* is canceled.

3. Subpart 110.15 is amended by inserting a new § 110.15–177, to follow § 110.15–175, reading as follows:

§ 110.15–177 Rules of the Road.

(a) The term "Rules of the Road" means the statutory and regulatory rules governing navigation of vessels. These rules are also published by the Coast Guard in pamphlet form as follows:

(1) Rules of the Road—International—Inland (CG–169).

(2) Rules of the Road—Great Lakes (CG–172).

(3) Rules of the Road—Western Rivers (CG–184).

(b) The current editions of the "Rules of the Road" pamphlets may be obtained from any Marine Inspection Office.

4. Section 110.15–195 is amended to read as follows:

§ 110.15–195 Western rivers.

For the purpose of this subchapter, the term "western rivers" is as defined in CG–184, "Rules of the Road—Western Rivers."

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416.)

PART 113—COMMUNICATION AND ALARM SYSTEMS AND EQUIPMENT

Subpart 113.55—Navigation Lights

1. Section 113.55–5(a) is amended to read as follows:

§ 113.55–5 General requirements.

(a) All vessels and motorboats shall be equipped with navigation lights and shapes as prescribed by law and regulation.

§ 113.55–15 [Amendment]

2. Section 113.55–15(a) is amended by changing the phrase "Pilot Rules" to "Rules of the Road."

§ 113.55–20 [Amendment]

3. Section 113.55–20(a) is amended by changing the phrase "Pilot Rules" to "Rules of the Road."

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

SUBCHAPTER T—SMALL PASSENGER VESSELS (NOT MORE THAN 65 FEET IN LENGTH)

PART 175—GENERAL PROVISIONS

Subpart 175.10—Definitions of Terms Used in This Subchapter

Section 175.10–21 is amended to read as follows:

§ 175.10–31 Rules of the Road.

(a) The term "Rules of the Road" means the statutory and regulatory rules governing navigation of vessels. These rules are also published by the Coast Guard in pamphlet form as follows:

(1) Rules of the Road—International—Inland (CG–169).

(2) Rules of the Road—Great Lakes (CG–172).

(3) Rules of the Road—Western Rivers (CG–184).

(b) The current editions of the "Rules of the Road" pamphlets may be obtained from any Marine Inspection Office.

(Sec. 3, 70 Stat. 152; 46 U.S.C. 390b)

PART 184—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

Subpart 184.15—Navigation Lights and Shapes, Whistles, Fog Horns, and Fog Bells

Section 184.15–1(a) is amended to read as follows:

§ 184.15–1 Requirements in Rules of the Road.

(a) All vessels shall be fitted with navigation lights and shapes, whistles, fog horns, and fog bells as prescribed by law and regulation.

(Sec. 3, 70 Stat. 152; 46 U.S.C. 390b)

PART 185—OPERATIONS

Subpart 185.20—Miscellaneous Operating Requirements

Section 185.20–5 is amended to read as follows:

§ 185.20–5 Rules of the Road.

(a) Persons operating these vessels shall comply with the applicable sections of the Rules of the Road covering the waters on which the vessel is navigated.

(Sec. 3, 70 Stat. 152; 46 U.S.C. 390b)

Dated: July 14, 1959.

[SEAL] A. C. RICHMOND,
Vice Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 59–5969; Filed, July 20, 1959; 8:48 a.m.]

[CGFR 59–31]

VISION EXAMINATIONS BY PUBLIC HEALTH SERVICE AND ENDORSEMENTS ON OCEAN OPERATORS' LICENSES FOR ADDITIONAL ROUTES

Persons serving or intending to serve in the merchant marine are recommended to take a physical examination by an ophthalmic surgeon to determine whether or not their vision, and color vision where required, is such as to qualify them for service in the merchant marine. During World War II and for awhile thereafter the Public Health Service gave these examinations free and the requirements in 46 CFR 10.2–5 (e) reflected this practice. Since this is no longer in agreement with current Public Health Service regulations, which now provide that only bona fide seamen are eligible for treatment at Public Health Service facilities, the amendment to 46 CFR 10.2–5(e)(6) set forth below in this document deletes from the regulations the reference to the voluntary visual examination by the Public Health Service.

Persons holding licenses as ocean operators have been restricted in obtaining endorsements for additional routes by the fact that each Officer in Charge, Marine Inspection, has exclusive geographical jurisdiction over requested routes within his Inspection Zone. The amendment to 46 CFR 187.25–25(a) set forth below in this document is considered administrative in nature and revises this control of the issuance of endorsements to ocean operators' licenses for additional routes. In the future Officers in Charge, Marine Inspection, will have the same administrative control over the issuance of endorsements for additional routes that they have now over the issuance of the basic licenses as ocean operators.

It is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule

making, public rule making procedures thereon, and effective date requirements thereof) is deemed unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-9, dated August 3, 1954 (19 F.R. 5195), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-20, dated June 18, 1956 (21 F.R. 4894), and CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall become effective on the date of publication of this document in the FEDERAL REGISTER:

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

Subpart 10.02 — General Requirements for All Deck and Engineer Officers' Licenses

Section 10.02-5(e)(6) is amended to read as follows:

§ 10.02-5 Requirements for original licenses.

* * * * *

(e) *Physical examination.* * * *

(6) Persons serving or intending to serve in the Merchant Service are recommended to take the earliest opportunity of ascertaining, through examination by an ophthalmic surgeon, whether their vision, and color vision where required, is such as to qualify them for service in that profession.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4426, as amended, 4427, as amended, 4438-4442, as amended, 4445, as amended, 4447, as amended, sec. 2, 29 Stat. 183, as amended, sec. 1, 34 Stat. 1411, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 7, 53 Stat. 1147, as amended, secs. 7, 17, 54 Stat. 165, as amended, 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 2, 68 Stat. 434, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 405, 224, 224a, 226, 228, 229, 214, 231, 233, 225, 237, 367, 247, 526f, 526p, 1333, 239b, 390b, 50 U.S.C. 198)

SUBCHAPTER T—SMALL PASSENGER VESSELS (NOT MORE THAN 65 FEET IN LENGTH)

PART 187—LICENSING

Subpart 187.25—Specific Requirements for Ocean Operators

The introductory text of § 187.25-25(a) (but not the subparagraphs thereof) is amended to read as follows:

§ 187.25-25 Additional routes.

(a) A licensed operator of mechanically or sail propelled ocean vessels who applies for an endorsement to his license of an additional route, which embraces additional navigational hazards, may be required, at the discretion of the Officer in Charge, Marine Inspection, to show service on the waters for which the endorsement is requested. However, applicants shall not be required to show more than 3 months' service, or 12 trips within one year. Each applicant for endorsement of an additional route on his license shall be examined on the following subjects, except that examination on International and Inland Rules of the Road shall be required not more than once a year:

(Sec. 3, 76 Stat. 152; 46 U.S.C. 390b)

Dated: July 14, 1959.

[SEAL] A. C. RICHMOND,
Vice Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 59-5970; Filed, July 20, 1959; 8:48 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—ALASKA COMMERCIAL FISHERIES

PART 104—BRISTOL BAY AREA

PART 108—KODIAK AREA

PART 111—PRINCE WILLIAM SOUND

Miscellaneous Amendments

Basis and purpose. The red salmon runs in the Kvichak-Naknek district of Bristol Bay continue in sufficient volume to permit some additional fishing time in that district.

Conversely, not only is the total red salmon run in the Karluk district of the Kodiak area low to date, but the commercial catch is well ahead of the escapement, necessitating a drastic curtailment in fishing time.

The small run of red salmon in the Robe River, tributary to Valdez Arm in Prince William Sound, is being seriously decimated by sport fishermen, requiring complete closure of this river to salmon fishing. No bona fide personal use fishery will be affected by such a closure.

For the above reasons the following actions are taken:

§ 104.9 [Amendment]

1. Section 104.9, as amended July 13, July 14, and July 16, is further amended, permitting fishing in the Kvichak-Naknek district from 2 p.m. Friday, July 17, to 3 a.m. Saturday, July 18, 1959.

§ 108.5 [Amendment]

2. Section 108.5 is amended in subparagraph (2) of the proviso of paragraph (a) to read as follows: (2) from 6 p.m. July 17 to 6 a.m. July 27, 1959.

3. A new section designated 111.93 is added to read as follows:

§ 111.93 Closed waters.

Fishing for, taking or molesting any salmon by any means, or for any purpose is prohibited in:

(a) Robe River, tributary to Valdez Arm, all waters.

Since immediate action is necessary, notice and public procedure on these amendments are impracticable, and they shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

Dated: July 17, 1959.

A. W. ANDERSON,
Acting Director, Bureau of Commercial Fisheries.

[F.R. Doc. 59-6014; Filed, July 20, 1959; 8:51 a.m.]

PART 104—BRISTOL BAY AREA

Additional Fishing Time

Basis and purpose. Field observations of the red salmon runs in the Nushagak, Kvichak-Naknek, and Egegik Districts of Bristol Bay, indicate runs of sufficient volume so as to permit additional fishing time over and above the fishing time presently allowed by § 104.9.

Therefore, the provisions of § 104.9, including the announcement dated July 20, listing the number of units of gear registered for fishing by districts for the week ending July 26 notwithstanding, fishing is permitted in the Nushagak, Kvichak-Neknek, and Egegik Districts from 9 a.m. Monday, July 20 to 9 a.m. Wednesday, July 22, and from 9 a.m. Thursday July 23 to 9 a.m. Saturday, July 25.

Since immediate action is necessary, notice and public procedure on this amendment are not in the public interest, and it shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

Dated: July 20, 1959.

A. W. ANDERSON,
Acting Director, Bureau of Commercial Fisheries.

[F.R. Doc. 59-6068; Filed, July 20, 1959; 12:18 p.m.]

PART 109—COOK INLET AREA

Additional Fishing Time

Basis and purpose. The salmon fishing time contemplated for Cook Inlet by the announcement dated July 17, made pursuant to § 109.9(a)(1), has not yet been realized for the current week, which will end July 19, due to stormy weather. Because of satisfactory red salmon escapements to date additional fishing time can be permitted in lieu of that already lost.

Therefore, the provisions of § 109.9, and the announcement dated July 17, listing the number of units of gear registered for fishing from July 17 to 27 inclusive, 1959 notwithstanding, fishing is permitted in the Northern, North Central, South Central and Southern districts of Cook Inlet from 6 a.m. to 6 p.m. Saturday, July 18, 1959.

Immediate action is necessary in order to realize the benefits of this relaxation. Therefore, notice and public procedure on this amendment are not in the public interest, and it shall become effective.

immediately (60 Stat. 237; 5 U.S.C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

Dated: July 17, 1959.

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 59-6069; Filed, July 20, 1959; 12:18 p.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Returns and Payment of Tax (Consolidated Returns)

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 20 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 20-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

The Income Tax Regulations (26 CFR Part 1) under subchapter A of chapter 6, relating to returns and payment of tax (Consolidated Returns), and subchapter B, related rules, of the Internal Revenue Code of 1954, are hereby amended to conform such regulations to changes made by the Technical Amendments Act of 1958 (72 Stat. 1606), the Small Business Tax Revision Act of 1958 (72 Stat. 1676), and to make certain clarifying amendments. Except as otherwise specifically provided therein, such amendments are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954.

PARAGRAPH 1. Paragraph (b) of § 1.1502–2 is amended to read as follows:

§ 1.1502–2 Definitions.

* * * * *

(b) *Affiliated group.* (1) * * *

(vi) A regulated investment company subject to tax under subchapter M of chapter 1;

(vii) An unincorporated business enterprise subject to tax as a corporation under section 1361; and

(viii) An electing small business corporation as defined in section 1371(b).

* * * * *

PAR. 2. Paragraph (h) of § 1.1502–13 is amended to read as follows:

§ 1.1502–13 Change in affiliated group during taxable year.

* * * * *

(h) *Time for making separate returns for periods not included in consolidated return.* (1) (i) If the due date for filing a subsidiary's separate return (determined without regard to the affiliation and without regard to extensions of time) precedes the due date for filing the consolidated return of the affiliated group (determined without regard to extensions of time), then, on or before the due date of the subsidiary's separate return, it may make a separate return either for that portion of its taxable year which would not be included in the consolidated return, if such return is filed, or for its complete taxable year. However, if a separate return is filed for only a portion of its taxable year and the group does not elect to make a consolidated return, such subsidiary shall file a return for its complete taxable year not later than the due date (including extensions of time) prescribed for the filing of the consolidated return by the group. In such case the return previously filed for only a portion of its taxable year shall not be considered a return within the meaning of section 6012. On the other hand, if a return is filed for the subsidiary's complete taxable year and the group later makes a consolidated return, such subsidiary should file an amended return not later than the due date (including extensions of time) for the filing of the consolidated return of the group. Such amended return shall be for that portion of the taxable year which is not included in the consolidated return.

(ii) If the due date for filing a subsidiary's separate return (determined without regard to the affiliation and without regard to extensions of time) is later than the due date for filing the consolidated return of the affiliated group (determined without regard to extensions of time), then the separate return for that portion of the subsidiary's taxable year which is not included in the consolidated return of the group should be filed no later than the due date (including extensions of time) for the filing of the consolidated return.

(2) The provisions of this paragraph may be illustrated by the following examples:

Example (1). Corporation P, which reports its income on a calendar year basis, acquires all of the stock of Corporation S on January 1, 1959. Corporation S reports its income on a fiscal year ending March 31. On June 15, 1959, the due date for the filing of a separate return by Corporation S, it is anticipated that Corporation P will elect, on the due date of its return, to file a consolidated return for 1959. On June 15, Corporation S may file either a return for a short taxable year beginning April 1, 1958, and ending December 31, 1958, or it may file a return for the complete fiscal year ending March 31, 1959. If it files a return for the short taxable year and Corporation P does not elect to file a consolidated return, corporation S must file a return for the complete fiscal year ending March 31, 1959, in lieu of the return previously filed for the short period. Interest is computed on any additional tax from June 15, 1959.

Example (2). Assume the same facts as in example (1) except that Corporation P acquires all of the stock of Corporation S on October 1, 1959, and that Corporation P elects to file a consolidated return on March 15, 1960, the due date of its return. The return of Corporation S for the short taxable year beginning April 1, 1959, and ending September 30, 1959, should be filed on March 15, 1960.

PAR. 3. Section 1.1502–14 is amended to read as follows:

§ 1.1502–14 Accounting period of an affiliated group.

(a) The taxable year of an affiliated group which makes a consolidated return shall be the same as the taxable year of the common parent corporation; and, except as provided in paragraph (c) of this section, upon having elected to file a consolidated return, each subsidiary corporation shall, not later than the close of the first consolidated taxable year ending thereafter, adopt an annual accounting period, fiscal year or calendar year as the case may be, in conformity with that of the common parent.

(b) If a change of accounting period is necessary in order to conform the accounting periods of the common parent and of its subsidiaries, Form 1128 shall be submitted at or before the time of filing the consolidated return for the taxable year in which the subsidiary has first adopted the parent corporation's annual accounting period.

(c) If the common parent corporation of an affiliated group has a fiscal year accounting period and any member of the group is an includible insurance company required by section 843 to file its return on a calendar year, the first consolidated return which includes such insurance company may be filed on the basis of the fiscal year accounting period of the common parent, provided, however, the common parent and the other includible corporations change to a calendar year basis effective immediately after the close of such fiscal year. For this purpose, Form 1128 shall be submitted at or before the time such first consolidated return is filed.

(d) With respect to computations for years involved in the change to the consolidated basis, see § 1.1502–32.

PAR. 4. Paragraphs (a), (b), and (d) of § 1.1502–31 are amended to read as follows:

§ 1.1502–31 Bases of tax computation.

* * * * *

(a) *Definitions* — (1) *Consolidated taxable income.* * * *

(i) * * *

(*b*) Any consolidated section 1231 net loss, relating to net losses from involuntary conversions subject to section 1231, and from sales or exchanges of property subject to section 1231,

* * * * *

(*f*) Any consolidated section 175 deduction, but not in excess of 25 percent of the consolidated section 175 gross income,

(*g*) Any consolidated section 247 deduction, and

(*h*) Any consolidated section 582(c) net loss,

* * * * *

(4) *Consolidated net operating loss carrybacks.* (i) The consolidated net operating loss carrybacks to the taxable year with respect to net operating losses sustained in taxable years ending after December 31, 1957, shall consist of—

(*a*) The amount of the consolidated net operating loss, if any, for the first succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year) reduced to the extent absorbed as a carryback, consolidated or separate, as the case may be, for the first two preceding taxable years;

(*b*) The amount of the consolidated net operating loss, if any, for the second succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year) reduced to the extent absorbed as a carryback, consolidated or separate, as the case may be, for the first preceding taxable year;

(*c*) The amount of the consolidated net operating loss, if any, for the third succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group),

and, with respect to a net operating loss sustained by a corporation which, for any of the three succeeding taxable years, files a separate return or joins in a consolidated return filed by another affiliated group, but subject to the limitations prescribed in paragaph (b)(3), of this section

(*d*) The amount of the net operating loss, if any, sustained by such corporation, for the first succeeding taxable year, reduced to the extent absorbed by such corporation for either or both of the first two preceding taxable years, or, if the income of such corporation is included in the consolidated return for either or both of the first two preceding taxable years, reduced to the extent absorbed by such consolidated return or returns;

(*e*) The amount of the net operating loss, if any, sustained by such corporation for the second succeeding taxable year, reduced to the extent absorbed by such corporation for the first preceding taxable year, or, if the income of such corporation is included in the consolidated return for the first preceding taxable year, reduced to the extent absorbed by such consolidated return; and

(*f*) The amount of the net operating loss, if any, sustained by such corporation for the third succeeding taxable year.

If the taxable year in which the net operating loss or consolidated net operating loss was sustained is a year beginning in 1957 and ending in 1958, the carryback is subject to paragraph (b)(4)(v) of this section. See also paragraph (b)(21) of this section in any case in which a member of the group is an acquiring corporation in a transaction described in section 381(a), or any member of the group is subject to the limitations provided under section 382.

(ii) The consolidated net operating loss carrybacks to the taxable year with respect to net operating losses sustained in taxable years ending before January 1, 1958, shall consist of—

(*a*) The amount of the consolidated net operating loss, if any, for the first succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year) reduced to the extent absorbed as a carryback, consolidated or separate, as the case may be, for the first preceding taxable year;

(*b*) The amount of the consolidated net operating loss, if any, for the second succeeding taxable year to the extent not attributable to those corporations making separate returns in the taxable year;

and, with respect to a net operating loss sustained by a corporation which, for either of the two succeeding taxable years, files a separate return or joins in a consolidated return filed by another affiliated group, but subject to the limitations prescribed in paragraph (b)(3) of this section,

(*c*) The amount of the net operating loss, if any, sustained by such corporation for the first succeeding taxable year reduced to the extent absorbed by such corporation for the first preceding taxable year or, if the income of such corporation is included in the consolidated return for the first preceding taxable year, reduced to the extent absorbed by such consolidated return; and

(*d*) The amount of the net operating loss, if any, sustained by such corporation for the second succeeding taxable year.

See, however, paragraph (b)(21) of this section in any case in which a member of the group is an acquiring corporation in a transaction described in section 381(a) or any member of the group is subject to the limitations provided in section 382.

(5) *Consolidated net operating loss.* * * *

(ii) The consolidated section 175 deduction, but not in excess of 25 percent of the consolidated section 175 gross income,

(iii) The consolidated section 1231 net loss,

(iv) The aggregate of the deductions of the several affiliated corporations under sections 243, 244, and 245 (computed without regard to the limitation contained in section 246(b)) and under section 247 (computed without regard to the limitation of paragraph (a)(1)(B) of such section), and

(v) The consolidated section 582(c) net loss,

over the sum of—

(vi) The combined taxable income of the several affiliated corporations having taxable income, computed without regard to any deductions under section 242 (relating to partially tax-exempt interest), and

(vii) The consolidated net capital gain.

* * * * *

(8) *Consolidated charitable contribution carryovers.* The consolidated charitable contribution carryovers to the taxable year shall consist of—

(i) The excess, if any, of the amount of the consolidated charitable contribution deduction (computed without regard to any charitable contribution carryovers) for the two preceding taxable years over the limitation of subparagraph (1)(i)(*c*) of this paragraph for such years to the extent that the consolidated charitable contribution deduction for any such preceding year was not attributable to a corporation making a separate return, or joining in a consolidated return filed by another affiliated group, for the taxable year reduced by—

(*a*) The amount absorbed as a carryover by the consolidated or separate taxable income for the intervening taxable year, and

(*b*) The increase in a consolidated or separate net operating loss carryover resulting from such excess,

and, with respect to any excess of charitable contributions over the applicable 5-percent limitation of a corporation in a taxable year for which a separate return was filed, or for which such corporation joined in a consolidated return filed by another affiliated group—

(ii) The amount of such excesses of such corporation for the two preceding taxable years reduced by:

(*a*) The amount absorbed as a carryover by the consolidated or separate taxable income for the intervening taxable year, and

(*b*) The increase in a consolidated or separate net operating loss carryover resulting from such excess.

(9) *Consolidated net capital gain.* The consolidated net capital gain shall be the excess of the sum of—

(i) The aggregate of the capital gains of the several affiliated corporations,

(ii) The consolidated section 1231 net gain, and

(iii) The consolidated section 582(c) net gain,

over the sum of—

(iv) The aggregate of the capital losses of such corporations, and

(v) The aggregate of the consolidated net capital loss carryovers to the taxable year.

* * * * *

(12) *Consolidated net capital loss.* * * *

(i) The aggregate of the capital gains of such corporations,

(ii) The consolidated section 1231 net gain, and

(iii) The consolidated section 582(c) net gain,

reduced in the case of an affiliated group including as members one or more corporations subject to the tax imposed by section 831, but only for the purpose of net capital loss carryover computations, by whichever of the following amounts is the lesser—

(iv) The combined additional capital loss deductions of such corporations authorized by section 832(c)(5), or

(v) The consolidated taxable income computed without regard to capital gains and losses and without regard to any deduction for partially tax-exempt interest provided by section 242.

* * * * *

(18) *Consolidated accumulated taxable income.* * * *

(ii) The consolidated charitable contribution deduction computed wi out regard to section 170(b)(2),

* * * * *

(19) *Consolidated accumulated earnings credit.* * * *

(i) In the case of an affiliated group which is not a mere holding or investment group, an amount equal to such part of the aggregate of the earnings and profits for the taxable year of the several members of the group as are retained for the reasonable needs of the business of the group, minus the deduction allowed by subparagraph (18)(iv), but not less than the amount (if any) by which $100,000 ($60,000 if the taxable year begins before January 1, 1958) exceeds the aggregate of the accumulated earnings and profits of the several members of the group at the close of the preceding taxable year, or

(ii) In the case of an affiliated group which is a mere holding or investment group, the amount (if any) by which $100,000 (or $60,000 if the taxable year begins before January 1, 1958) exceeds the aggregate of the accumulated earnings and profits of the several members of the group at the close of the preceding taxable year.

* * * * *

(23) *Consolidated undistributed personal holding company income.* * * *

(ii) In lieu of the deduction provided by paragraph (a)(1)(i)(c) of this section, the consolidated charitable contribution deduction computed without the application of section 170(b)(2) but limited as provided in section 170(b)(1)(A) and (B) (except that the 10-percent and 20-percent limitations therein shall be applied with respect to the consolidated adjusted gross income);

(iii) The amount of the consolidated net operating loss for the preceding taxable year (computed without the deductions provided in part VIII (except section 248) of subchapter B if the current taxable year begins after December 31, 1957) to the extent not attributable to a corporation making a separate return, or joining in a consolidated return filed by another affiliated group for the taxable year, and, with respect to a corporation which filed a separate return or joined in a consolidated return filed by another affiliated group for the preceding taxable year, the net operating loss of such corporation for such preceding taxable year (computed without the deductions provided in part VIII (except section 248) of subchapter B if the current taxable year begins after December 31, 1957) but not in excess of the portion of the consolidated personal holding income attributable to such corporation for the taxable year;

* * * * *

(35) *Consolidated section 175 carryovers.* The consolidated section 175 carryovers to the taxable year shall consist of—

(i) The excess, if any, of the amount of the consolidated section 175 deductions over 25 percent of the consolidated section 175 gross income of preceding taxable years to the extent that such consolidated section 175 deduction for any preceding taxable year was not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year and was not absorbed as a carryover by the consolidated section 175 gross income for preceding taxable years

and, with respect to any excess of deductions under section 175 over the 25-percent limitation of section 175(b) of a corporation in a taxable year for which a separate return was filed or for which such corporation joined in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (b)(15) of this section.

* * * * *

(36) *Consolidated section 582(c) net loss.* The consolidated section 582(c) net loss shall be the excess of the aggregate of the losses of the character described in section 582(c) recognized in a taxable year beginning after December 31, 1958, by the several affiliated corporations which are banks over the aggregate of gains of the character described in section 582(c) recognized in such taxable year by the several affiliated corporations which are banks.

(37) *Consolidated section 582(c) net gain.* The consolidated section 582(c) net gain shall be the excess of the aggregate of the gains of the character described in section 582(c) recognized in a taxable year beginning after December 31, 1958, by the several affiliated corporations which are banks over the aggregate of the losses of the character described in section 582(c) recognized in such taxable year by the several affiliated corporations which are banks.

* * * * *

(b) *Computations.* * * *

(1) *Taxable income.* * * *

(iv) There shall be disregarded all gains and losses from involuntary conversions subject to section 1231, and from sales and exchanges of property subject to section 1231;

* * * * *

(xi) No deductions under sections 243, 244, 245, or 247 (relating to deductions with respect to dividends received and dividends paid) or under section 922 (relating to the special deduction for Western Hemisphere trade corporations), shall be taken into account;

(xii) No deductions under section 175 (relating to soil and water conservation expenditures) shall be taken into account by a member of an affiliated group to which the consolidated section 175 deduction is applicable; and

(xiii) In the case of a bank, for taxable years beginning after December 31, 1958, there shall be disregarded all gains and losses from sales and exchanges of property described in section 582(c).

* * * * *

(2) *Other computations on separate basis.* * * *

(iii) *Capital gains and losses.* * * *

(c) The net capital loss carryovers provided in section 1212,

(d) In the case of a corporation which became a member of the affiliated group subsequent to January 1, 1954, common parent corporation or subsidiary, as the case may be, capital losses to the extent disallowed pursuant to the provisions of subparagraph (9) of this paragraph, and

(e) In the case of a bank, for taxable years beginning after December 31, 1958, gains or losses from sales or exchanges of property described in section 582(c).

* * * * *

(viii) *Gains or losses under section 1231.* Gains and losses from involuntary conversions subject to section 1231, and from sales or exchanges of property subject to section 1231 shall be determined without regard to—

* * * * *

(3) *Limitations on net operating loss carryovers and carrybacks from separate return years.* In no case shall there be included in the consolidated net operating loss deduction for the taxable year as consolidated net operating loss carryovers under paragraph (a)(3)(ii) of this section (relating to the net operating losses sustained by a corporation in years for which separate returns were filed, or for which such corporation joined in a consolidated return filed by another affiliated group), and as consolidated net operating loss carrybacks under paragraphs (a)(4)(i) (*d*), (*e*) and (*f*), and (a)(4)(ii) (*c*) and (*d*) of this section (relating to a net operating loss sustained by a corporation which for any of the two or three succeeding taxable years, whichever is applicable, files a separate return or joins in a consolidated return filed by another affiliated group), an amount exceeding in the aggregate the taxable income of such corporation included in the computation of the consolidated taxable income for the taxable year decreased by its deductions under sections 243, 244, 245, 247, and 922 (and in the case of a member of an affiliated group to which the consolidated section 175 deduction is applicable, the section 175 deduction),

increased by its separate net capital gain, and increased or decreased, as the case may be, with respect to its separate gains or losses from involuntary conversions subject to the provisions of section 1231, and from sales or exchanges of property subject to the provisions of section 1231. * * *

(4) *Law applicable to computations of net operating loss carryovers and carrybacks.* (i) * * *

(iii) (*a*) The consolidated net operating loss deduction for a taxable year beginning in 1953 and ending in 1954, shall be the sum of—

(*1*) That portion of the consolidated net operating loss deduction for such taxable year, computed as though § 1.1502-31(a)(2) applied to such taxable year, which the number of days in such taxable year after December 31, 1953, bears to the total number of days in such taxable year, and

(2) That portion of the consolidated net operating loss deduction for such taxable year, computed in accordance with § 24.31(a)(2) of this chapter (Regulations 129), which the number of days in such taxable year before January 1, 1954, bears to the total number of days in such taxable year.

(*b*) The consolidated net income for any taxable year beginning in 1953 and ending in 1954 which is subtracted from the net operating loss for any other taxable year to determine the portion of such net operating loss which is a carryback or a carryover to a particular taxable year shall be determined in accordance with the principles of section 172(f)(4).

(iv) (*a*) The consolidated net operating loss deduction for a taxable year beginning after December 31, 1953, and ending before August 17, 1954, shall be computed as if the regulations under section 1502 apply to such taxable year.

(*b*) The consolidated net income for any taxable year beginning after December 31, 1953, and ending before August 17, 1954, which is subtracted from the consolidated net operating loss for any other taxable year to determine the portion of such net operating loss which is a carryback or a carryover to a particular taxable year shall be determined in accordance with section 172(g)(3).

(v) In the case of a consolidated net operating loss for a taxable year beginning in 1957 and ending in 1958, the amount of such consolidated net operating loss which shall be carried to the third preceding taxable year shall be the amount which bears the same ratio to such consolidated net operating loss as the number of days in the loss year after December 31, 1957, bears to the total number of days in such year. In determining the amount carried to any other taxable year, the amount absorbed for the third taxable year preceding the loss year shall not exceed the portion of the consolidated net operating loss which is carried to the third preceding taxable year.

(vi) For purposes of section 141 of the Internal Revenue Code of 1939 and that part of the regulations promulgated thereunder which relate to subchapter D of chapter 1 of such Code, excess profits net income and consolidated section 433(a) excess profits net income shall be computed as if the regulations under section 1502 did not apply and as if such section and such regulations continued to apply to taxable years beginning after December 31, 1953.

* * * * * *

(10) *Loss to group of investment in an affiliate.* * * *

(ii) The portion of any such loss otherwise allowable as a deduction for the taxable year which is disallowed pursuant to the provisions of subdivision (i) of this subparagraph shall be considered as a consolidated net operating loss to be taken into account as a consolidated carryback to the two preceding taxable years or, if the loss is sustained in a taxable year ending after December 31, 1957, the three preceding taxable years and as a consolidated carryover to the five succeeding taxable years, but in an amount not greater for any taxable year than the excess of the consolidated taxable income for such year, computed without regard to such carryover or carryback, as the case may be, over that portion of such consolidated taxable income so computed for such taxable year attributable to such other affiliate.

* * * * * *

(15) *Limitation on section 175 carryovers from separate return years.* In no case shall there be included in the consolidated section 175 deductions for the taxable year as consolidated section 175 carryovers under paragraph (a)(35)(ii) of this section (relating to excess section 175 deductions of a corporation for years for which separate returns were filed or for which such corporation joined in a consolidated return filed by another affiliated group), an amount exceeding in the aggregate the amount by which 25 percent of the gross income of such corporation derived from farming included in the computation of the consolidated section 175 gross income for the taxable year exceeds the amount of the expenditures of such corporation of the taxable year deductible under section 175.

* * * * * *

(d) *Net operating loss deduction, excess charitable contributions, excess section 175 deductions, and dividend carryover before or after consolidated return*—(1) *Net operating loss deduction.* The consolidated net operating loss of an affiliated group shall be used in computing the consolidated net operating loss deduction notwithstanding that one or more members of the group in the taxable year in which such loss originates make separate returns (or join in a consolidated return made by another affiliated group) for a subsequent taxable year (or in the case of a carryback computation for a preceding taxable year), but only to the extent that such consolidated net operating loss is not attributable to such corporations. Such portion of such consolidated net operating loss as is attributable to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for a subsequent taxable year (or in the case of a carryback computation for a preceding taxable year) shall be used by such corporations severally as carryovers or as carrybacks in such separate returns or in such consolidated returns of the other affiliated group. Any net operating loss separately sustained by a corporation prior to a first taxable year in respect of which its income is included in the consolidated return of the group (or sustained in either of the two taxable years immediately following a consolidated return year or any of the three taxable years so following if sustained in a taxable year ending after December 31, 1957) shall be used in computing the net operating loss deduction of such corporation (or the consolidated net operating loss deduction of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in a consolidated return of another group, but only to the extent that such net operating loss was not absorbed (either as a carryover or as a carryback) in the computation of the consolidated net operating loss deduction for consolidated return periods.

(2) *Excess charitable contributions.* The excess of the consolidated charitable contributions over the 5 percent limitation of paragraph (a)(1)(i)(c) of this section shall be used in computing the consolidated charitable contribution carryover notwithstanding that one or more members of the group in the taxable year in which such carryover originates make separate returns (or join in a consolidated return made by another affiliated group) for a subsequent taxable year, but only to the extent that such excess charitable contribution is not attributable to such corporations. Such portion of such excess charitable contributions as is attributable to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for a subsequent taxable year shall be used by such corporations severally as carryovers in such separate returns or in such consolidated returns of the other affiliated group. Any excess of charitable contributions of a corporation for the year prior to a first taxable year in respect of which its income is included in the consolidated return of the group shall be used in computing the charitable contribution deduction of such corporation (or the consolidated charitable contribution deduction of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in a consolidated return of another group, but only to the extent that such excess charitable contribution was not absorbed as a carryover in the consolidated charitable contribution deduction for consolidated return periods. In applying this paragraph, the excess of the consolidated charitable contributions over the 5 percent limitation shall be reduced by the increase in a consolidated or separate net operating loss carryover resulting from such excess.

(3) *Excess section 175 deductions.* The excess of the deductions under section 175 over the limitation of 25 per-

cent provided in paragraph (a) (1) (i) (*f*) of this section shall be used in computing the consolidated section 175 carryover notwithstanding that one or more members of the group in the taxable year in which such carryover originates make separate returns (or join in a consolidated return made by another affiliated group) for a subsequent taxable year, but only to the extent that such excess section 175 deduction is not attributable to such corporations. Such portion of such excess section 175 deductions as is attributable to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for a subsequent taxable year shall be used by such corporations severally as carryovers in such separate returns or in such consolidated returns of the other affiliated group. Any excess of section 175 deductions of a corporation for a year prior to a first taxable year in respect of which its income is included in the consolidated return of the group shall be used in computing the section 175 deduction of such corporation (or the consolidated section 175 deduction of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in a consolidated return of another group, but only to the extent that such excess section 175 deduction was not absorbed as a carryover in the computation of a consolidated section 175 deduction for consolidated return periods.

(4) *Unused consolidated dividend carryover.* The unused consolidated dividend carryover shall be used in computing the consolidated dividend carryover notwithstanding that one or more members of the group in the taxable year in which such carryover originates make separate returns (or join in a consolidated return made by another affiliated group) for a subsequent taxable year, but only to the extent that such unused consolidated dividend carryover is not attributable to such corporations. Such portion of such unused consolidated dividend carryover as is attributable to the several corporations making separate returns or computing their tax liability under section 541 pursuant to the last sentence of § 1.1502–30(b) (4) (or joining in a consolidated return made by another affiliated group) for a subsequent taxable year shall be used by such corporations severally as carryovers in such separate returns, in such separate computations under section 541, or in such consolidated returns of the other affiliated group. Any unused dividend carryover of a corporation separately produced for a year prior to a taxable year in respect of which its tax liability under section 541 is computed upon the consolidated undistributed personal holding company income shall be used in computing the dividend carryover of such corporation (or the consolidated dividend carryover of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in a consolidated return of another group, but only to the extent that such unused dividend carryover was not absorbed in the computation of the consolidated section 561 dividends paid deduction for the intervening consolidated return period.

* * * * *

PAR. 5. Section 1.1502–43 is amended to read as follows:

§ 1.1502–43 Credit for foreign taxes.

(a) *Choice of credit or deduction.* The credit under section 901 for taxes paid or accrued shall be allowed to an affiliated group filing a consolidated return only if the common parent corporation chooses to use such credit in the computation of the tax liability of the group for the taxable year. If this choice is made, no deduction may be taken under section 164 on the consolidated return for such taxes paid or accrued by any member of the group. For purposes of this section, the term "taxes paid or accrued" includes the amount of taxes deemed paid pursuant to section 902.

(b) *Amount of credit.* Subject to the limitation provided in paragraph (c), the credit allowable to an affiliated group filing a consolidated return shall be an amount equal to the aggregate of the taxes paid or accrued by the several members of the affiliated group for the taxable year, plus the aggregate of the consolidated excess tax paid carryovers and carrybacks to the taxable year allowable as a credit under section 904(c).

(c) *Per country limitation.* The credit for tax paid or accrued for the taxable year to any country or possession shall not exceed an amount which bears the same ratio to the total tax of the affiliated group against which the credit is taken as the consolidated taxable income of the group from sources within such country or possession (but not in excess of the consolidated taxable income of the group) bears to the entire consolidated taxable income.

(d) *Consolidated excess tax paid carryovers.* The consolidated excess tax paid carryovers to the current taxable year for taxes paid to any foreign country or possession shall consists of—

(1) The consolidated excess tax paid to such country or possession for the five preceding taxable years (not including as a preceding taxable year any taxable year beginning before January 1, 1958) to the extent that the consolidated excess tax paid for any such preceding taxable year was not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year and was not absorbed pursuant to section 904(c) in years preceding the current taxable year (whether or not taken as a credit), and,

with respect to the excess tax paid by a corporation in a taxable year for which a separate return was filed, or for which such corporation joined in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (h) of this section—

(2) The amount of the excess tax paid to such country or possession by such corporation for the five preceding taxable years (not including as a preceding taxable year any taxable year beginning before January 1, 1958) to the extent that the excess tax paid for any such preceding taxable year was not absorbed pursuant to section 904(c) in years preceding the current taxable year (whether or not taken as a credit).

(e) *Consolidated excess tax paid carrybacks.* (1) The consolidated excess tax paid carrybacks to the current taxable year for taxes paid to any foreign country or possession shall consist of—

(i) The consolidated excess tax paid to such country or possession for the first succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year) reduced to the extent absorbed pursuant to section 904(c) in the first preceding taxable year (whether or not taken as a credit), and

(ii) The consolidated excess tax paid to such country or possession for the second succeeding taxable year to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year;

and, with respect to any excess tax paid to such country or possession by a corporation which for either of the two succeeding taxable years files a separate return or joins in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (h) of this section—

(iii) The amount of such excess tax paid by such corporation for the first succeeding taxable year reduced to the extent absorbed pursuant to section 904(c) by such corporation for the first preceding taxable year (whether or not taken as a credit), or if the income of such corporation is included in a consolidated return for the first preceding taxable year, reduced to the extent absorbed pursuant to section 904(c) by such consolidated return (whether or not taken as a credit); and

(iv) The amount of such excess tax paid by such corporation for the second succeeding taxable year.

(2) The excess tax paid, whether consolidated or separate, may not be carried back to a taxable year beginning before January 1, 1958; and in determining the carryover or carryback to taxable years beginning on or after January 1, 1958, no amount shall be treated as absorbed for taxable years beginning before such date.

(f) *Consolidated excess tax paid.* The consolidated excess tax paid to any foreign country or any possession for a taxable year is the excess of the aggregate of the taxes paid or accrued by the several members of the affiliated group to such country or possession over the per country limitation described in paragraph (c) of this section applicable to such country or possession. However, there is no consolidated excess tax paid for a taxable year in which the affiliated group takes any deduction under section 164 for such taxes paid or accrued to a foreign country or possession.

(g) *Excess tax paid.* The excess tax paid or accrued to any foreign country

or possession by a corporation for any year for which a separate return is filed is the excess of the taxes paid or accrued by the corporation to such foreign country or possession over the amount allowable as a credit for such year pursuant to section 904(a). However, there is no such excess tax paid or accrued for a taxable year in which the corporation takes a deduction under section 164 for such taxes paid to any foreign country or possession.

(h) *Limitation on credit for carryovers and carrybacks of excess tax paid from separate return years.* In no case shall there be included in the credit for taxes paid or accrued to any foreign country or possession for the taxable year as consolidated excess tax paid carryovers under paragraph (d)(2) of this section (relating to excess tax paid by a corporation in years for which separate returns were filed, or for which such corporation joined in a consolidated return filed by another affiliated group), and as consolidated excess tax paid carrybacks under paragraph (e)(1)(iii) and (iv) of this section (relating to excess tax paid by a corporation which for either of the two succeeding taxable years files a separate return or joins in a consolidated return filed by another affiliated group), an amount exceeding in the aggregate that which would be allowable as a credit for a carryover or carryback to such corporation if it had filed a separate return for such taxable year.

(i) *Apportionment of consolidated excess tax paid.* If an affiliated group filing a consolidated return has a consolidated excess tax paid with respect to any foreign country or any possession for the taxable year and if there are included as members of such group one or more corporations which make separate returns (or join in a consolidated return filed by another affiliated group) in a preceding or succeeding taxable year, the portion of such consolidated excess tax paid attributable to such corporations severally shall be determined. The portion in the case of any such corporation shall be the amount which bears the same ratio to such consolidated excess tax paid as the tax paid or accrued by such corporation to such country or possession bears to the total tax paid or accrued by the affiliated group to such country or possession.

(j) *Consolidated excess tax paid before or after consolidated return period.* The consolidated excess tax paid by an affiliated group with respect to any foreign country or possession shall be used in computing the consolidated excess tax paid carryover and carryback of the group notwithstanding that one or more corporations that were members of the group in the taxable year in which such consolidated excess tax paid originates make separate returns (or join in a consolidated return made by another affiliated group) for a subsequent taxable year (or in the case of a carryback for a preceding taxable year) but only to the extent that such consolidated excess tax paid is not attributable to such corporation. Such portion of such consolidated excess tax paid as is attributable to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for a subsequent taxable year (or in the case of a carryback, for a preceding taxable year) reduced to the extent absorbed in earlier years shall be used by such corporations severally as carryovers or as carrybacks in such separate returns or in such consolidated returns of the other affiliated group. Any excess tax paid by a corporation prior to the first taxable year in which its income is included in the consolidated return of the group (or paid in either of the two years immediately following a consolidated return year) may be used in computing the carryover or carryback of such corporation (or of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in the consolidated return of another group, but only to the extent that such excess tax paid was not absorbed (either as a carryover or as a carryback) for consolidated return periods.

PAR. 6. Section 1.1504 is amended to read as follows and to add historical note:

§ 1.1504 Definitions.

(a) *Definition of "affiliated group".* * * *

(b) *Definition of "includible corporations".* * * *

(2) Insurance companies subject to taxation under section 802 or 821.

* * * * *

(8) An electing small business corporation (as defined in section 1371(b)).

* * * * *

[Sec. 1504(b) as amended by sec. 5; Act of March 13, 1956 (Pub. Law 429, 84th Cong., 70 Stat. 49); sec. 64(d)(3), Technical Amendments Act 1958 (72 Stat. 1657) sec. 3(f)(1) Life Insurance Company Income Tax Act 1959 (73 Stat. 140)]

PAR. 9. Section 1.1551 is amended to read as follows and to add historical note:

§ 1.1551 Disallowance of surtax exemption and accumulated earnings credit.

If any corporation transfers, on or after January 1, 1951, all or part of its property (other than money) to another corporation which was created for the purpose of acquiring such property or which was not actively engaged in business at the time of such acquisition, and if after such transfer the transferor corporation or its stockholders, or both, are in control of such transferee corporation during any part of the taxable year of such transferee corporation, then such transferee corporation shall not for such taxable year (except as may be otherwise determined under section 269(b)) be allowed either the $25,000 exemption from surtax provided in section 11(c) or the $100,000 accumulated earnings credit provided in paragraph (2) or (3) of section 535(c), unless such transferee corporation shall establish by the clear preponderance of the evidence that the securing of such exemption or credit was not a major purpose of such transfer. For purposes of this section, control means the ownership of stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote or at least 80 percent of the total value of shares of all classes of stock of the corporation. In determining the ownership of stock for the purpose of this section, the ownership of stock shall be determined in accordance with the provisions of section 544, except that constructive ownership under section 544(a)(2) shall be determined only with respect to the individual's spouse and minor children. The provisions of section 269(b), and the authority of the Secretary under such section, shall, to the extent not inconsistent with the provisions of this section, be applicable to this section.

[Sec. 1551 is amended by sec. 205(a), Small Business Tax Revision Act of 1958 (72 Stat. 1680)]

PAR. 10. Section 1.1551–1(a) is amended to read as follows:

§ 1.1551–1 Disallowance of surtax exemption and accumulated earnings credit.

(a) *In general.* If one corporation transfers on or after January 1, 1951, all or part of its property (other than money) to another corporation, neither the $25,000 exemption from surtax provided in section 11(c) nor the $100,000 ($60,000 if the taxable year begins before January 1, 1958) accumulated earnings credit provided in paragraph (2) or (3) of section 535(c) shall be allowed the transferee if: * * *

[F.R. Doc. 59-6002; Filed, July 20, 1959; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 115]

RECREATIONAL USE OF O. AND C. LAND IN OREGON

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the act of August 28, 1937 (50 Stat. 874) and Revised Statutes 2478 (43 U.S.C. 1201), it is proposed to issue regulations implementing the provisions of the said act of August 28, 1937, relating to the development and use of recreational facilities on the O. and C. lands.

The proposed regulations consist of five new sections to be added to Part 115 and are set forth below.

The proposed regulations relate to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed regulations to the Bureau of Land Management, Washington 25, D.C., within thirty days of date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 15, 1959.

§ 115.180 Statutory authority.

The act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a, 1181c) authorizes the Secretary of the Interior, under such rules and regulations as may be necessary and proper, to conserve and manage such portions of the Revested Oregon and California and Reconveyed Coos Bay Wagon Road Grant Lands as are under his jurisdiction, for multiple purposes, including the provision of recreational facilities.

§ 115.181 Definitions.

Except as the context may otherwise indicate, for the terms used in §§ 115.180–115.184 and in contracts made thereunder:

(a) "Bureau" means the Bureau of Land Management, Department of the Interior.

(b) "O. and C. lands" means the Revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant lands and other lands administered by the Bureau under the provisions of the act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a, 1181c).

(c) "Authorized Officer" means the Government official who has been duly authorized to (1) designate O. and C. lands as public recreational sites, (2) to administer the construction, operation and maintenance of public recreation facilities and (3) to administer the use of such sites and facilities through leasing or otherwise.

(d) "Public Recreational Sites" means O. and C. lands possessing special values for some form of intensive public outdoor recreational activity, including but not limited to picnicking, camping, swimming, boating or skiing.

(e) "Public Recreational Facilities" means improvements or structures of any type constructed, operated and maintained in public recreational sites for the enhancement of the public enjoyment of the recreational resources of such sites.

§ 115.182 Competing uses; memoranda of understanding.

(a) In public recreational sites the use and disposal of resources such as timber, minerals, and forage shall be administered in such a manner as to minimize damage to recreational or scenic resources and facilities. Such competing uses shall also be regulated so as to protect routes of access to public recreational sites and to minimize damage to scenic values along such access routes.

(b) Where adequate recreational facilities in a public recreational site are not provided for through lease or permits to state or local government agencies or their instrumentalities under authority of other laws or regulations referred to in § 115.184, such facilities may be constructed, operated and maintained by the authorized officer alone, or under a memorandum of agreement jointly with Federal, state or local government agencies or their instrumentalities.

§ 115.183 Use of public recreational sites and facilities operated by the Bureau.

(a) Public recreational sites and facilities operated by the Bureau shall be for transient use by the public and shall not be occupied by users for extended periods nor in a manner that, in the judgment of the authorized officer, is contrary to the public interest.

(b) The authorized officer may, in his discretion, post reasonable requirements for the use of public recreational sites and facilities operated by the Bureau, including but not limited to provisions to protect the area from fire, protect recreational values, and to protect the public health and safety.

(c) The authorized officer may establish and collect a reasonable service charge for the use of public recreational sites and facilities operated by the Bureau.

(d) No restrictions on the use of public recreational sites and facilities shall be made because of reasons of race, creed, color or country of origin.

(e) The penalty for wilful violation of any of the provisions of this section or of any reasonable rules or regulations promulgated thereunder may be denial of the use of the public recreational sites and facilities and if the circumstances so indicate, the initiation of an action for trespass on the property of the United States.

§ 115.184 Leases, permits, and licenses.

Leases, permits and licenses for the recreational use of the O. and C. lands, including lands containing recreational facilities may be granted, upon application, under the provisions of Parts 9, 254, 257, and 258 of this chapter and shall contain provisions determined necessary by the authorized officer, including but not limited to, provisions to protect the area from fire, protect recreational values, and to protect the public health and safety. Leases, permits and licenses which involve the operation of commercial concessions shall contain stipulations requiring conformance with reasonable public service rules including schedules of charges approved by the authorized officer.

[F.R. Doc. 59-5947; Filed, July 20, 1959; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1003]

DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Notice of Proposed Rule Making With Respect to Approval of Expenses of Date Administrative Committee for 1959–60 Crop Year and Fixing Rate of Assessment for Such Crop Year

Notice is hereby given that, pursuant to Marketing Agreement No. 127, as amended, and Order No. 103, as amended (7 CFR Part 1003), hereinafter referred to collectively as the "order", regulating the handling of domestic dates produced or packed in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), there is under consideration a proposal to approve the expenses of the Date Administrative Committee (established under the order) for the 1959–60 crop year and fix the rate of assessment for that year, as hereinafter set forth. The committee has unanimously recommended a budget for such crop year in the total amount of which approval is being considered.

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., and received not later than the close of business on the eighth day after publication of this notice in the FEDERAL REGISTER.

The proposed rule is as follows:

§ 1003.304 Expenses of the Date Administrative Committee and rate of assessment for the 1959–60 crop year.

(a) *Expenses.* Expenses in the amount of $39,735 are reasonable and likely to be incurred by the Date Administrative Committee for its maintenance and functioning during the crop year beginning August 1, 1959.

(b) *Rate of assessment.* Each handler shall pay to the Date Administrative Committee, in accordance with the provisions of Marketing Agreement No. 127, as amended, and this part, an assessment at the rate of 15 cents per hundredweight of dates which he handles or has certified for handling or for further processing during the crop year beginning August 1, 1959, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

Dated: July 16, 1959.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59-5974; Filed, July 20, 1959; 8:48 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

FISHING GEAR REGISTRATIONS; COOK INLET AREA, ALASKA

Announcement of Units of Gear

In accordance with 50 CFR 109.9(a)(1) announcement is made that the total number of units of gear registered for fishing from July 17 to July 27, inclusive, 1959, is in the bracket 880–1049 units,

permitting fishing 2.5 days per week during that period.

Dated: July 17, 1959.

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 59-6015; Filed, July 20, 1959; 8:51 a.m.]

BRISTOL BAY, ALASKA

Announcement of Units of Fishing Gear

In accordance with 50 CFR 104.9(c), announcement is made of the total number of units of gear registered for use in the salmon fishing districts of Bristol Bay as of 6 p.m. Friday, July 17, 1959, for the week ending July 26, 1959, as follows:

	Units
Kvichak-Naknek	150
Nushagak	280
Egegik	60
Ugashik	50

Dated: July 20, 1959.

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 59-6070; Filed, July 20, 1959; 12:18 p.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 261]

F. H. BERTLING

Order Revoking Export Licenses and Denying Export Privileges

In the matter of F. H. Bertling, Monckebergstrasse 11, Hamburg 1, Federal Republic of Germany, respondent; Case No. 261.

F. H. Bertling, of Hamburg, Germany, the respondent herein, was charged by the Director, Investigation Staff, Bureau of Foreign Commerce of the United States Department of Commerce, with having violated the Export Control Act of 1949, as amended, in that, as alleged, it participated in the transshipment of two lots of borax aggregating about 315 tons to unauthorized destinations contrary to notices accompanying said goods to the effect that they might not be shipped to destinations other than the destinations for which their exportation had been licensed. In its answers to the charging letters served herein, it did not deny the transshipments but alleged various defenses both in avoidance and mitigation.

In accordance with the practice, the case was referred to the Compliance Commissioner, who has reported that the evidence supports the charges to the extent hereinafter found and has recommended that the respondent be denied export privileges so long as export controls remain in effect.

Now, after considering the entire record consisting of the charges, the evidence submitted in support thereof, the answers and evidence in opposition, and the Report and Recommendation of the Compliance Commissioner, I hereby make the following Findings of Fact:

1. At all times hereinafter mentioned, F. H. Bertling was and now is a freight forwarder engaged in that business in the City of Hamburg, Germany.

2. Heretofore and on or about the 23d day of October, 1957, an American exporter exported from the United States approximately 100 tons of borax, valued at about $6,000, for delivery to an ultimate consumption in Sweden.

3. Said borax was exported under and pursuant to an export license authorizing delivery to Sweden as the country of ultimate destination, and the bill of lading issued in connection therewith had endorsed thereon a notice to the effect that the laws of the United States prohibited the disposition of the goods described therein to destinations within the Soviet Bloc without authorization by the United States Government.

4. After the borax had arrived in Sweden, it was acquired by a merchant in Paris who, thereafter, sold it to a company in East Germany.

5. For the purpose of making delivery to his purchaser in East Germany, the Paris merchant caused the borax to be sent to Hamburg and gave instructions to Bertling to deliver it to the purchaser in East Germany.

6. Together with said instructions, the Paris merchant delivered to Bertling a duplicate copy of the said bill of lading containing the endorsement to which reference is made in Finding 3, and Bertling thereby became informed and knew that the laws of the United States prohibited the transshipment of the said goods to East Germany.

7. No authorization was given by any agency of the United States Government for the transshipment of the said borax to East Germany.

8. Nevertheless, and in disregard of the notice endorsed on the bill of lading received by it, Bertling transshipped the said 100 tons of borax to consignees in East Germany.

9. Heretofore and on or about the 6th day of January 1958, under authority of an export license authorizing the exportation to Sweden of 215 tons of borax, valued at about $13,000, an American firm exported the same from the United States.

10. In accordance with the terms of the license, the borax was shipped first to Hamburg, West Germany, as an intermediate destination en route to Sweden.

11. The bill of lading issued in connection with said exportation had endorsed thereon a notice to the effect that the exportation had been licensed for delivery to Sweden as the ultimate destination and that diversion contrary to United States laws was prohibited.

12. While supposedly en route to Sweden, at or about the time it was unloaded at Hamburg, the same Paris merchant acquired title thereto and engaged Bertling to act as his forwarder at Hamburg, Germany. For this purpose he caused the bill of lading to be delivered to Bertling, and Bertling thereby became informed and acquired notice that the borax had been licensed for exportation to Sweden as the ultimate destination and that diversion contrary to United States laws was prohibited.

13. The Paris merchant informed Bertling that he had sold the borax to a buyer in East Germany and consulted with Bertling as to the means or methods whereby it might be delivered to East Germany.

14. Bertling informed the Paris merchant that such delivery could be made by shipping the borax first to a city in Austria whence, thereafter, the Paris merchant, by giving instructions to a forwarder there, could arrange for the ultimate delivery to East Germany.

15. For the purpose of facilitating such ultimate delivery to East Germany, Bertling caused the borax to be transshipped out of Hamburg to Regensburg, Germany, and gave instructions that from there it was to be carried by barge to Linz, a city in Austria, to be held for further instructions from the Paris merchant.

16. The movement of the goods was thereafter intercepted and, as a result of intervention by agents of the United States, the objective of transshipment to East Germany was never attained, and the goods were sold ultimately to an approved purchaser in Switzerland.

And, from the foregoing, I have concluded that the respondent, Bertling, received and forwarded goods exported from the United States, knowing that, with respect to the same violations of the Export Control Act of 1949, as amended, the regulations promulgated thereunder, and the export licenses issued in connection therewith were about to and were intended to occur and, further, knowingly and without authorization of the Bureau of Foreign Commerce diverted and transshipped such goods to unauthorized destinations contrary to the terms and conditions of the export control documents accompanying said goods and the notifications prohibiting such actions endorsed on such documents, all in violation of §§ 381.2, 381.3, 381.4, 381.6, and 379.10(d)(2) of the Export Regulations.

In his report the Compliance Commissioner said:

> The plea that a German forwarder is subject only to the laws and regulations of his own country and not subject to any extraterritorial application of United States laws and regulations has been made frequently in these export control compliance cases. It has been consistently held that this defense is not sufficient to justify disregard of our regulations. It is not really a question of extraterritorial application. The restrictions on movement and disposition of goods exported from the United States are attached to the goods and are conditions to which their exportation has been made subject by the export control regulations. By holding, as the Bureau of Foreign Commerce has held consistently, that merchants, carriers, and forwarders in foreign countries must abide by these restrictions and conditions affecting the movement of goods, the Bureau of Foreign Commerce does not reach out and attempt to exercise jurisdiction over them. A nonresident foreign merchant, carrier, or forwarder is free, subject only to economic reprisal, to take and handle the goods or to refuse so to do. (There is no evidence in this case that Bertling, as a public utility subject to governmental regulations, was com-

pelled to accept and forward the shipments in disregard of the restrictions attached thereto under pain of possible government action against him for refusal to do so.)

The action finally taken in these compliance cases is not intended primarily to inflict a penalty. True, it may result in some financial impact. However, this has corrective and deterrent values, normal objectives of remedial action. In these cases the Bureau of Foreign Commerce carries out the mandate of the Congress, which is to effectuate the policies set forth in the Act and make regulations governing the participation in exports by any person "to the extent necessary to achieve effective enforcement of this Act." Among the policies are "(b) to further the foreign policy of the United States and to aid in fulfilling its international responsibilities; and (c) to exercise the necessary vigilance over exports from the standpoint of their significance to the national security." Our foreign policy is not to allow exportations to Communist Bloc destinations except as specifically permitted by the regulations. It has been found that borax is a commodity which bears a significance to the national security. In order to accomplish these objectives, it is the function of the Bureau of Foreign Commerce to determine to whom goods exported from the United States may be sent and who shall be permitted to handle, forward, or transport such goods. When its actions in the performance of this function are defeated by persons who disregard the conditions under which goods are exported, such persons may be excluded from participation in exportations from the United States. In this sense, the function of the Department of Commerce is purely and simply remedial and is exercised here and not extraterritorially.

On the basis of the record of this case and classified information, which was made available to me following my conclusion that contraventions had occurred, to aid me in deciding what remedial action should be recommended, it is my belief that Bertling should be excluded from participation in any function involving exportations from the United States because of its conduct in this case and its activities in matters touching upon or in connection with the objectives of the Export Control Act of 1949, as amended. For this reason, it is my recommendation that it be denied export privileges so long as export controls are in effect.

Having concluded that the recommended action is fair, just, and necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. All outstanding validated export licenses in which the respondent, F. H. Bertling, appears or participates as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. Henceforth, and so long as export controls shall be in effect, the said respondent, its officers, partners, agents, and employees be, and they hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by them, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to the respondent, but also to any person, firm, corporation, or business organization with which it may be now or hereafter related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, shall, on behalf of or in any association with the respondent, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity or (b) order, receive, buy, use, sell, dispose of, finance, transport, or forward any commodity heretofore or hereafter exported from the United States. Nor shall any person do any of the foregoing acts with respect to any such commodity or exportation in which the respondent may have any interest of any kind or nature, direct or indirect.

Dated: July 16, 1959.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F.R. Doc. 59-5968; Filed, July 20, 1959; 8:48 a.m.]

Federal Maritime Board

MEMBER LINES OF SWISS/NORTH ATLANTIC FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 7860-7, between the member lines of the Swiss/North Atlantic Freight Conference, modifies the basic agreement of that conference (No. 7860, as amended) which covers the trade from Switzerland and Upper Alsace (Belfort and Mulhouse to the south of Colmar, inclusive, except potash from Alsace) to North Atlantic ports in the Hampton Roads/Portland, Maine, range via European Continental ports of loading in the Hamburg/Bayonne range, both inclusive; in the Ventimiglia/Reggio Calabria range, both inclusive, on the Italian mainland; in Sicily; and on the Adriatic Sea. The purpose of the modification is to provide for the creation of a committee of the member lines to investigate violations of the conference agreement, make findings with respect thereto, and assess fines for such violations as set forth in the modification.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 16, 1959.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 59-5967; Filed, July 20, 1959; 8:48 a.m.]

Maritime Administration

[Docket No. S-97]

AMERICAN PRESIDENT LINES, LTD.

Notice of Application and of Hearing

Notice is hereby given of the application of American President Lines, Ltd., for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223 to permit the carriage, by the "SS President Hoover", Voyage No. 20 scheduled to sail for California from Hawaii about July 28, 1959, of the automobiles and household effects of the MSTS passengers booked for this voyage pursuant to the written authorization of the Deputy Maritime Administrator in Docket No. S-94. This application may be inspected by interested parties in the Office of Government Aid, Maritime Administration.

A hearing on the application has been set before the Deputy Maritime Administrator for July 27, 1959, at 9:30 a.m., e.d.t., in Room 4519, General Accounting Office Building, 441 G Street NW., Washington, 25, D.C. Any person, firm or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on July 24, 1959, notify the Secretary, Maritime Administration in writing in triplicate, and file petition to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Maritime Administration, petitions for leave to intervene received after the close

of business on July 24, 1959, will not be granted in this proceeding.

Dated: July 20, 1959.

By order of the Maritime Administrator.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-6038; Filed, July 20, 1959; 10:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-16586 etc.]

PHILIP LEMON ET AL.

Notice of Applications and Date of Hearing

JULY 15, 1959.

In the matters of Philip Lemon et al.,[1] Docket No. G-16586; J. G. Franks et al.,[2] Docket No. G-16588; Chandler and Simpson, Operator,[3] Docket No. G-17045; Consolidated Oil & Gas, Inc., Operator,[4] Docket No. G-17092; W. P. McCutchan et al., Docket No. G-17102; Warrior Oil Company,[5] Docket No. G-17103; Allegheny Land and Mineral Company, Docket No. G-17106; Carter-Jones Drilling Company, Operator,[6] Docket No. G-17107; A. A. Cameron, Operator,[7] Docket No. G-17110; J. A. Chapman, Docket No. G-17112; Skelly Oil Company, Docket No. G-17113; Consolidated Oil & Gas, Inc.,[8] Docket No. G-17115; Redstone Oil and Gas,[9] Docket No. G-17118; Tingler Oil & Gas Company,[10] Docket No. G-17119.

Each of the above Applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, and any amendments thereto, which are on file with the Commission and open to public inspection.

The respective Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket Nos., Field and Location, and Purchaser

G-16586; Union District, Ritchie County, West Virginia; Hope Natural Gas Company.

G-16588; Sherman District, Calhoun County, West Virginia; Hope Natural Gas Company.

G-17045; Darby Creek Field, Logan County, Colorado; Kansas-Nebraska Natural Gas Company, Inc.

G-17092; Blanco (Mesaverde) Field, San Juan County, New Mexico; Southern Union Gathering Company.

G-17102; New Milton District, Doddridge County, West Virginia; Hope Natural Gas Company.

G-17103; Laverne Field, Harper County, Oklahoma; Michigan-Wisconsin Pipe Line Company.

G-17106; Various Leases in Ritchie, Doddridge, Lewis and Calhoun Counties, West Virginia; Hope Natural Gas Company.

G-17107; Vickie Lynne Field, Marion County, Texas; Arkansas Louisiana Gas Company.

G-17110; Mocane Area, Beaver County, Oklahoma; Colorado Interstate Gas Company.

G-17112; Acreage in Grant County, Oklahoma; Consolidated Gas Utilities Corporation.

G-17113; Acreage in Texas County, Oklahoma; Cities Service Gas Company.

G-17115; Blanco (Mesaverde) Field, San Juan County, New Mexico; Southern Union Gathering Company.

G-17118; Murphy District, Ritchie County, West Virginia; Hope Natural Gas Company.

G-17119; Murphy District, Ritchie County, West Virginia; Hope Natural Gas Company.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 15, 1959 at 9:30 a.m. e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 6, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[1] Philip Lemon et al. is a partnership consisting of Philip Lemon, Edward Bennett, Frank H. Crisplip, Mrs. Elizabeth Collins, Harry C. Tinney, Mrs. A. Gay Califf, Mrs. Ann Davis Hewitt, William F. Bowman, Elizabeth S. Bowman, E. S. Hamric, Cecil W. Phillips, Jr., Mrs. Chas. M. Wells, Mrs. Ethel Harden and H. B. Layfield. Philip Lemon is a signatory seller party to the subject gas sales contract, and the remaining above-mentioned partners are also signatory parties to the contract through the signature of Philip Lemon who has signed the contract as Attorney-in-Fact for said parties.

[2] J. G. Franks et al. is a partnership consisting of J. G. Franks, William H. Ellis, William H. Busch, Ruth S. Franks, Stanley Gertz, August Gertz, Madeline Stern, Howard E. Stern, Andrichyn E. Schnabel, Samuel H. Corson, Esther W. Corson, William Ouzts, William H. Patten, Marie F. Patten and William J. O'Hara. J. G. Franks is a signatory seller party to the subject gas sales contract and the remaining above-named partners are also signatory parties to the contract through the signature of J. G. Franks who has signed the contract as Attorney-in-Fact for said parties.

[3] Chandler and Simpson, Operator, is a partnership consisting of Collis P. Chandler, Jr., Grover M. Simpson and Wayne R. Davy, who is filing for itself and, as Operator, lists in the application, together with the percentage of working interest of each, the following nonoperators: John Simpson, Sarah Simpson, L. A. Laybourn, Morrison-Quirk Grain Corporation, Milton L. Morrison, Kenneth Morrison, Lloyd and Alta Morrison, Transport Underwriters Association, Chandler-Musgrove, Inc., S. O. Beren, Max Beren and Allen A. Staub. Chandler and Simpson Operator, is the only signatory seller party to the subject gas sales contract.

[4] Consolidated Oil & Gas, Inc., Operator, is filing for itself and, as Operator, lists in the application, together with the percentage of working interest, Southern Union Gas Company as nonoperator. The application states that the portion of the subject gas resold to Southern Union Gas Company will be consumed wholly within the State of New Mexico. Application covers an amendatory agreement dated October 20, 1958, which adds additional acreage to a basic gas sales contract dated January 1, 1958, between Colorado Western Exploration, Inc. (now Consolidated Oil & Gas, Inc.), Seller, and Southern Union Gathering Company, Buyer. Consolidated is a signatory seller party to the subject amendatory agreement.

[5] E. A. Obering, President of Warrior Oil Company, is the only signatory seller party to the subject gas sales contract. However, at the time said contract was executed, Obering was executing it as President of the Obering Oil Company. On September 30, 1958, Obering Oil Company assigned the leases subject to the gas sales contract to Warrior Oil Company by instrument dated October 1, 1958.

[6] Carter-Jones Drilling Company, Operator, is filing for itself and, as Operator, lists in the application, together with the percentage of working interest of each, the following nonoperators: Bobby Manziel Estate, Allan Shivers, C. E. Woolman and Edward Mike David. Operator and Estate of Bobby Manziel are the only signatory seller parties to subject gas sales contract.

[7] A. A. Cameron, Operator, is filing for itself and, as Operator, lists Pan American Petroleum Corp., nonoperator. Cameron acquired the subject acreage by instrument of assignment dated August 20, 1958, from Cities Service Oil Company and proposes to sell gas produced from said acreage pursuant to a basic gas sales contract dated February 13, 1957, between Cities Service Oil Company, Seller, and Colorado Interstate Gas Company, Buyer. Cameron has attained signatory status (to the extent of the subject assignment) to the above-mentioned basic contract.

[8] Consolidated Oil & Gas, Inc. (formerly Colorado Western Exploration, Inc.), is filing for its interest in the subject acreage. Application covers a basic gas sales contract dated January 1, 1958, between Western Exploration, Inc., Seller, and Southern Union Gathering Company, Buyer.

[9] Redstone Oil and Gas is an association consisting of Alice M. Vandergrift, Earl Hardman, W. E. Hovey, E. S. Vaughan, Joseph P. Seltzer, M. M. Andrew, John W. Straton, Walter Leighton, Victor A. Smith, P. E. Hoskins, G. J. Allman, Ernest M. Bahor, Richard Moses, George Rauch, Theresa Rauch, David Rauch, H. F. Bell, C. F. Yost, Phyllis L. Thomas, Albert R. Reuter, I. C. Ruddle, Robert E. Ruddle, Harry C. Taylor, Robert G. Pohrer, Oliver A. Shaw, and Christie Vandergrift. Alice M. Vandergrift and Earl Hardman are signatory seller parties to the subject gas sales contract and the remaining above-named individuals are also signatory seller parties to the contract through the signature of Alice M. Vandergrift

See footnotes at end of document.

who has signed the contract as Attorney-in-Fact for said parties.

[10] Tingler Oil & Gas Co. is a partnership consisting of W. H. Mossor, Paul L. or Merle Layman, Paul T. or Patricia Bordeau, R. N. Richmond, E. C. or Jessie Ray, C. D. or Peal Wilson, James E. or Eula Clegg, Dr. F. G. Prather, Alfred P. Dye, John E. Huffner, J. E. Hampton, Mrs. Ora L. Goff, Peter A. Birckbichler, A. H. Ritson, C. B. Grubb, Mrs. Ada Clayton, Hilda Clayton, Dorthy Ritson, Dr. W. H. Prather, Ralph or Elsie Lamm, Mrs. Opal Goff, Florn Goff, Ann Davis Hewitt, Dr. Edward Vacher, Fogle F. Earp, C. M. Ware, Paul or Alpha Pritchard and F. J. or Elva Patton. W. H. Mossor is a signatory seller party to the subject gas sales contract and the remaining above-named individuals are also signatory seller parties to the contract through the signature of W. H. Mossor who has signed the contract as Attorney-in-Fact for said individuals.

[F.R. Doc. 59-5964; Filed, July 20, 1959; 8:47 a.m.]

[Docket No. G-17500 etc.]

ST. LAWRENCE GAS CO., INC., AND NEW YORK STATE NATURAL GAS CORP.

Notice of Applications, Consolidation of Proceedings, and Fixing Date of Hearing

JULY 15, 1959.

In the matters of St. Lawrence Gas Company, Inc., Docket Nos. G-17500, G-17501; New York State Natural Gas Corporation, Docket No. G-17579.

Take notice that St. Lawrence Gas Company, Inc. (St. Lawrence) a New York corporation with its principal place of business in the City of Ogdensburg, New York, filed in Docket No. G-17500 on January 12, 1959, an application, as supplemented June 11, 1959, requesting an order of the Commission, under section (3) of the Natural Gas Act, authorizing St. Lawrence to import natural gas from Canada into the United States for a period of twenty (20) years.

St. Lawrence proposes to construct and operate approximately 1,000 feet of 12-inch pipeline, which will connect with facilities of Niagara Gas Transmission Limited (a subsidiary of Trans-Canada Pipe Lines Limited) at the International Boundary near a point in the center of the St. Lawrence River known as Cornwall Island and otherwise described as being 12 miles northeast of Massena, New York, and will be used to receive, import and purchase from Niagara Gas Transmission Limited volumes of natural gas estimated to reach a peak day quantity of 8,240 Mcf in the third year of proposed operation. St. Lawrence proposes to transport and distribute such natural gas at retail to communities and industries in the Massena-Ogdensburg area of St. Lawrence County, New York. The estimated total cost of St. Lawrence's project for the first year is approximately $3,433,000 which will be financed by the issuance of first mortgage bonds and common stock. The total cost of the project at the end of the sixth year of operation is estimated to be $6,783,100.

Concurrently, St. Lawrence filed in Docket No. G-17501 an application for a Presidential Permit pursuant to Executive Order No. 10485 authorizing the construction, operation, maintenance and connection, at the International Boundary of Canada and the United States, of natural gas pipeline facilities to be used for the importation of natural gas from Canada into the United States.

Take further notice that New York State Natural Gas Corporation (New York Natural), filed in Docket No. G-17579 an application on January 20, 1959, as supplemented on April 17, 1959, for a certificate of public convenience and necessity seeking authorization to sell and deliver to Niagara Mohawk Power Corporation (Niagara Mohawk), in addition to the volume now authorized to be sold and delivered to it, all the natural gas required by Niagara Mohawk for resale and distribution in the Counties of St. Lawrence, Lewis, and Franklin in the State of New York. No additional facilities are proposed by New York Natural to enable it to increase deliveries and sales through its existing Therm City and Oneida (New York) delivery points to Niagara Mohawk.

Niagara Mohawk proposes to utilize the additional volumes of gas available to it by rendering natural gas service at retail to substantially the same communities and industries which St. Lawrence seeks to serve, and to that end, Niagara Mohawk proposes to expand its system to the Massena-Ogdensburg area by the construction of transmission and distribution facilities estimated to cost $13,166,900 in the first year of operation and increasing to $17,660,900 in the fifth year of operation. These costs will be currently financed by cash on hand and short-term bank loans; and upon the exhaustion of these resources, Niagara Mohawk plans to undertake permanent financing to cover the entire construction program.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 1, 1959, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 14, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-5965; Filed, July 20, 1959; 8:48 a.m.]

[Docket No. G-16578]

VILLAGE OF STONINGTON, ILLINOIS

Notice of Application and Date of Hearing

JULY 15, 1959.

Take notice that the Village of Stonington, Christian County, Illinois (Applicant), filed on October 13, 1958, an application, and on November 24, 1958, a supplement thereto, pursuant to section 7(a) of the Natural Gas Act for an order directing Panhandle Eastern Pipe Line Company (Panhandle) to establish physical connection of its transportation facilities with facilities proposed to be constructed by Applicant and to sell and deliver to Applicant natural gas for resale to the public in Stonington and the urban area immediately adjacent to its corporate limits, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate approximately 4.1 miles of 4-inch transmission pipeline extending from a connection with Panhandle's pipeline east to the village limits and also a distribution system for the community.

The estimated total cost of the proposed facilities is $220,000, which Applicant proposes to finance by the issuance of public utilities certificates under Article 49 of Chapter 24 R.S. Illinois, 1957.

Applicant estimates its third peak day requirement will be 572 Mcf and that its fifth year peak day requirement will be 629 Mcf. It estimates its third year requirement will be 69,434 Mcf and its fifth year annual requirement will be 78,435 Mcf.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 1, 1959, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 18, 1959.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-5966; Filed, July 20, 1959; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 16, 1959.

Protests to the granting of an application must be prepared in accordance

with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35557: *Wheat from points in Texas to Port Arthur, Tex.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 361), for interested rail carriers. Rates on wheat in Texas to Port Arthur, Tex., for export.

Grounds for relief: Motor truck competition.

Tariff: Supplement 18 to Texas-Louisiana Freight Bureau tariff I.C.C. 899.

FSA No. 35558: *Corn from Richardson, Tex., to New Orleans, La., for export.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 360), for interested rail carriers. Rates on corn and related articles, in carloads from Richardson, Tex., to New Orleans, La., for export.

Grounds for relief: Market competition.

Tariff: Supplement 57 to Texas-Louisiana Freight Bureau tariff I.C.C. 774.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-5958; Filed, July 20, 1959; 8:47 a.m.]

[Notice 153]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 16, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62089. By order of July 10, 1959, the Transfer Board approved the transfer to Richard Summers and Robert Giorgis, a partnership, doing business as Summers & Giorgis, Coquille, Oregon, of the operating rights in Certificate No. MC 108545 Sub 1, issued October 2, 1951, to Jewel S. Smith, authorizing the transportation, over irregular routes, of lumber, from points in Douglas, Curry, and Coos Counties, Oreg., to points in Coos County. Lynne W. McNutt, 410 Hall Building, Coos Bay, Oregon, for applicants.

No. MC-FC 62206. By order of July 10, 1959, the Transfer Board approved the transfer to Imperial Coach Co., doing business as Imperial Coach Corp., New York, N.Y., of certificate in No. MC 34752 issued May 18, 1955, to Crown Coach Co., Inc., New York, N.Y., authorizing the transportation of: Passengers and their baggage from New York, N.Y., to Connecticut, New Jersey, Pennsylvania, the District of Columbia, Massachusetts, New Hampshire, and Maine, and return. Sidney J. Leshin, 58 West 40th Street, New York, N.Y., for applicants.

No. MC-FC 62230. By order of July 13, 1959, the Transfer Board approved the transfer to Premier Trucking Service Co., a Corporation, of Chicago, Ill., of Certificate No. MC 17803 issued March 28, 1941, in the name of M. M. Levin, doing business as Premier Trucking Service, Chicago, Ill., authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and various specified commodities, over irregular routes, between points in the Chicago, Ill., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, Sioux City, Iowa, and Omaha and South Omaha, Nebr.; and paper boxes, over irregular routes, from Morris, Ill., to Des Moines and Sioux City, Iowa, and Omaha and South Omaha, Nebr., with no transportation for compensation on return. Lawrence S. Newmark, 10 South La Salle Street, Chicago 3, Ill., for applicants.

No. MC-FC 62240. By order of July 10, 1959, the Transfer Board approved the transfer to Acme Van Lines, Inc., Kansas City, Mo., of a portion of Certificate No. MC 40494, issued August 18, 1958, to J. S. Byard, Enid, Oklahoma, authorizing the transportation of household goods and emigrant movables, between points in Harper, Grant, Alfalfa, Garfield and Major Counties, Okla., on the one hand, and, on the other, points in Missouri, Kansas, Texas, and Arkansas; and household goods, between points in Woods and Woodward Counties, Okla., on the one hand, and, on the other, points in Kansas. Kretsinger & Kretsinger, 1014 Temple Building, Kansas City 6, Mo., for applicants.

No. MC-FC 62312. By order of July 13, 1959, the Transfer Board approved the transfer to Cagnina Truck Line, Inc., of Crowley, La., of Permit No. MC 33631, issued November 24, 1941, in the name of Philip J. Cagnina, doing business as Cagnina Truck Line of Crowley, La., authorizing the transportation of rice, rice mill products, talcum powder, minimum 10,000 pounds, over irregular routes, between Crowley, La., and points within 25 miles of Crowley, on the one hand, and, on the other, Lake Charles and New Orleans, La.; and clean rice, in truckload lots, over irregular routes, from Crowley, Kaplan, Gueydan, and Abbeville, La., and points within 15 miles of each, to Lake Charles, La., with no transportation for compensation on return. Edwin W. Edwards, Edwards and Edwards, Edwards Building, Crowley, La., for applicants.

No. MC-FC 62331. By order of July 13, 1959, the Transfer Board approved the transfer to Howard Ousey, Joseph Ousey, and Kenneth Ousey, a partnership, doing business as "OZ" Trucking & Rigging Co., of Cambria Heights, N.Y., of Permit No. MC 112576, issued August 27, 1951, in the name of Elizabeth Fitzhenry, Howard Ousey, Joseph Ousey, and Kenneth Ousey, a partnership, doing business as "OZ" Trucking & Rigging Co., of Cambria Heights, N.Y., authorizing the transportation of safes, vaults, and parts of the foregoing described commodities, over irregular routes, between points in Connecticut, New York, New Jersey, and Pennsylvania within 100 miles of New York, N.Y., including New York, N.Y. Kenneth Ousey, 120-10 230th Street, Cambria Heights, N.Y., for applicants.

No. MC-FC 62349. By order of July 10, 1959, the Transfer Board approved the transfer to Robert G. Wright, doing business as Salmon Short Lines, Salmon City, Idaho, of Certificate No. MC 115723 Sub 1, issued June 15, 1956, in the name of Arlo E. Miller, doing business as Star Valley Jackson Stages, of Afton, Wyoming, authorizing the transportation of passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, with no seasonal restrictions, over regular routes, between Idaho Falls, Idaho, and Afton, Wyo., serving all intermediate points; and passengers and their baggage and express, mail and newspapers, in the same vehicle with passengers, during the season extending from the 15th day of June to the 15th day of October, inclusive, of each year, between Alpine, Wyo., and Jackson, Wyo., serving all intermediate points. Bartly G. McDonough, 10 Executive Building, Salt Lake City, Utah, for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-5959; Filed, July 20, 1959; 8:47 a.m.]

[Rev. S. O. 562; Taylor's I.C.C. Order 105A]

CHICAGO AND EASTERN ILLINOIS RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 105 and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I.C.C. Order No. 105, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 8:00 a.m., July 14, 1959.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 14, 1959.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 59-5960; Filed, July 20, 1959; 8:47 a.m.]

[Rev. S. O. 562; Taylor's I.C.C. Order 104–A]

BELT RAILWAY CO. OF CHICAGO

Rerouting or Diversion of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 104 and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I.C.C. Order No. 104, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 8:00 a.m., July 14, 1959.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 14, 1959.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 59–5961; Filed, July 20, 1959; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

URBAN RENEWAL COMMISSIONER AND HHFA REGIONAL ADMINISTRATORS

Amendment of Delegation of Authority With Respect to Slum Clearance and Urban Renewal Program, Demonstration Grant Program, and Urban Planning Grant Program

The delegation of authority with respect to the slum clearance and urban renewal program, demonstration and urban planning grant programs, effective as of December 23, 1954 (20 F.R. 428, January 19, 1955), as amended (20 F.R. 4275, June 17, 1955; 21 F.R. 1468, March 7, 1956; 21 F.R. 3038, May 5, 1956; 21 F.R. 5385, July 18, 1956; 21 F.R. 5471, July 20, 1956; 22 F.R. 2887, April 24, 1957; 22 F.R. 4105, June 11, 1957; 23 F.R. 1202, February 26, 1958; 23 F.R. 1611, March 6, 1958; 23 F.R. 4820, June 28, 1958; 23 F.R. 8413, October 30, 1958; 23 F.R. 9078, November 21, 1958; 23 F.R. 9399, December 4, 1958; 24 F.R. 242, January 9, 1959), is hereby further amended in the following respects:

1. In subparagraph 1(d), by deleting the clause numbered (3) and renumbering existing clauses (4), (5), (6), and (7) as clauses (3), (4), (5), and (6), respectively.

2. In subparagraph 5(1), by deleting the word "and" at the end thereof.

3. In subparagraph 5(m), by deleting the period and inserting "; and".

4. By adding the following new subparagraph 5(n):

(n) Approve "Certificates of Completion and of Gross and Net Project Cost".

Effective as of the 21st day of July 1959.

NORMAN P. MASON,
Housing and Home Finance Administrator.

[F.R. Doc. 59–5972; Filed, July 20, 1959; 8:48 a.m.]

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